

A MEMORIAL FROM THE ENGLISH PROTESTANTS, FOR THEIR HIGHNESSES THE PRINCE AND PRINCESS O F ORANGE.



T cannot be unknown to Your Highness, that the *Protestants of England*, that are Faithful to the Principles and Doctrines of their Religion, and to the just, Established, legal Government, are in divers kinds most intollerably vexed and oppressed by the Popish Contrivances and Practices, covered with the pretences and name of Authority.

That (*) Illegal things are daily imposed upon them, in their several Stations and Places, which they are convinc'd in their Consciences, can never be justified unto God or the Kingdom, and yet they are pressed upon them (without regard to their Consciences) by loss of their Offices and Employments, and many other threatening Effects of the Kings displeasure.

Threatened, Vexed and Prosecuted, (as the *Lord Lovelace* now is) that dare but say that such have no lawful Authority.
3. All the Subjects are commanded to suffer all the Actions and Offences of their Lives, and the secrets of their Heads to be searched into, and their chief Interests and many of their Free-holds to be judged by the discretion of a few of the Kings Creatures, called, his *Commissioners for Ecclesiastical Affairs*, whose Commission is, to proceed without and against the Rules of our Laws, with a non obstante to all other Laws, and every Man is required to assist their *Arbitrary Powers* on peril of their Censures, which extend to imprisonment for Life. 4. All our Ministers are required under grievous menaced Penalties to be the Kings Cryers, to Proclaim in the Churches the Kings Power to suspend at once the force and use of all our Penal Laws made in 400 Years past to secure the Rights of the Crown, the freedoms and properties of the Realm, and the profession of the Protestant Religion. 5. All the Protestants are forced by fear of the Kings Wrath, to suffer the Rights of the Crown and the freedoms of the Realm against Foreign Powers and Laws, to be publickly denied, and the force of Foreign Laws over them to be maintained, they are enjoined by the King to neglect their sworn duties to God, to the Crown and Kingdom, of prosecuting at Law those Treasons which they know and see to be daily committed, for which no excuse can be made by pretence of Liberty of Conscience in Christs Religion. 6. The Constables and other Officers throughout the Realm are forced to quarter Irish and Scots and other mercenary Soldiers in their Neighbours Houses against their Wills, in contempt of the Ancient Laws and the express Words of the late Statutes. 7. All the Gentlemen and Free-holders are pressed to renounce their native and legal freedom in their choyce of Members for Parliament. 8. The Freemen of the Cities and Towns are urged to yield up to the Kings Will the Tenure of their Magistracies, and all their free Customes and Priviledges. 9. All the People are forced by fear of Punishments, to suffer a Child to be declared Heir apparent of the Crown, which ought not by the known Laws of the Kingdom to have been acknowledged until lawful Witness of his Birth of the Queen had been duly published to the Kingdom, as was necessary in this case, wherein publick fame makes him a Counterfeit. Yet to their shame and grief, the People are forced to seem in their publick Prayers to present him to God as their Prince, and dare not ask who are the Witnesses of his Birth. 10. Many of their Juries are pressed to Find their Neighbours Criminals, tho' in their Consciences they think them innocent, as is notorious (amongst many other instances) in the case of those that made innocent expressions of their joy for the Justice that was done to the 7 Bishops: and many are forced to submit to be tryed in matters about the loss of their Estates, by Fines and their Lives also, by Juries returned, by secret Contrivances and Nominations contrary to the direction of our Laws, being neither of the most sufficient nor most indifferent of the nearest Neighbours to the Facts in question, nor by Sheriffs sworn as the Laws require, whereby the course of the Kingdoms Justice is perverted, and the legal Government subverted.

All these Instances are too well known to be denied by our Adversaries.

A

That

That many of their legal Liberties, Benefits, and Means of subsistence in their Churches and Colledges, are taken from them by sheer Will and Pleasure, (A) and *Processes* and *Prosecutions* by arbitrary Commissioners (B) are threatned and begun against great numbers of them without their Guilt of the least Offence or Transgression against any of the Laws of this Realm.

lively hood, and Decreed incapable of any other Preferment, only for keeping to the Law, the Statute of their Colledge and Oaths. The Suspension of near 200 Ministers in the County of Durham, for refusing to read to their People the Kings Declaration for dispensing with our Laws, &c. (B) *Vix.* The Summons of the Commissioners for Ecclesiastical Affairs to the Chancellors, Commissioners and Arch-deacons of the Diocess, of most of the Bishops to return the Names of all the Ministers that did not read the Kings Declaration, wherein they transgreded no Law Ecclesiastical or Civil.

That they are debarred and Ipoyle of the due free (C) Election of their *Magistrates* and *Officers* in their *Cities* and *Towns*, and pretended *Officers* and *Magistrates* are imposed upon them and turned out and put in at the Kings absolute Will, as they are found ready to comply with, and serve the *Popish* Design either ignorantly or corruptly.

That severall of the Bodies Politick of their Cities and Towns are declared to be dissolved at the Kings Pleasure (to terrify and subjugate the minds of all the rest) and the *Citizens* and *Burgesses* are thereby Disfranchised, (D) and Divested of all their good *Customs*, Freedoms and Priviledges, if they cannot in Conscience comply with Illegal Commands, and will not treacherously surrender their legal Rights and Priviledges unto the Kings Will.

Subjects legal Interests at his Will,

Viz. (A) The case of the *Lord Bishop of London* suspended. Of Doctor *Peachel* Vice-Chancellor of Cambridge, and Master of *Pembroke Hall* deprived. Of Doctor *Hough*, and 26 Fellows of *Magdalen Colledge Oxford*, besides the *Demyes* oured from their free-hold and to the Law, the Statute of their Colledge and

(C) The City of London and all the Cities and Towns Corporate of the Kingdom are sad instances of this, the King alone setting up whom he pleases to have the Names, and use the Powers of their formerly chosen *Magistrates*.

(D) So the King hath done to the antient Cities of Oxford, Winchester, and the Borough of Totness, now threatening to do the same to the great City of Norwich, or something tantamount, whereby he assumes to dispose of the

Subjects had no Property.

That the legal securities provided by the Kings and Kingdom in Parliament against the dangers of their Religion and Liberties, are by the Kings absolute Command thrown aside, and made (E) useleis, by pretence of his Power to dispence with those penal Laws notwithstanding the Subjects Right in them, for the protection and safety of their Religion, Liberties, and Lives, whereby the very Foundation of all the Subjects Rights and Properties is undermined and thaken, and a New Claim is set up and maintained, that the Subjects have no Right, Property, or security against the Will and Pleasure of their Kings.

That by colour of such a dispensing Power the trust of military Powers, are put into such hands as are made (F) incapable of them by many exprefs Laws of the Kings and Kingdoms in Parliament, which justly give the *Protestants* sad apprehensions of imminent dangers, seeing themselves put into the Power of those that publickly professes to be in Union and Communion with the *Church of Rome*, that openly declares theihselfes to be the mortal Enemies to all *Protestants*, and that they are bound upon peril of their Salvation, to seek their Destruction, if they shall continue constant to the *Protestant Profession*.

That contrary to the exprefs Laws of the (G) Realm lately declared in Parliament, an Army of *Papists* and *Mercenaries* is maintained, and dispersed through the Kingdom in full Peace, to the great disquiet and terror of the *Protestants*, and they are in divers waies constrained to receive these Souldiers into their Houses, to sojurne there againstt their Wills, whereby they are deprived of their Peace and Security in their Families, and of their Converse with their Neighbours and Friends, and of the advantages they might make in their waies of living

That the King hath barred and forbidden the execution of the Antient Laws of the Realm, against divers sorts of Treasons and other most hainous Crimes; and all made from age to age for 500 Years past, in relation to the Popes and Romish Priests (H) Powers and Practises are suspended; tho' the Experience of the *Papists* in all those Ages shewed those Precepts and Practises to be so mischievous and dangerous, that they often complained in Parliament, they feared the (I) Destruction of the Kingdom by them.

(I) See the Statutes 35 Ed: 1. 25. Ed: 3. 27. Ed: 3. 16 Ri: 2. 5.

His Majesty also so Controuls the Courts of Law in the Course wherein Justice ought to be administered, that the Judges (tho' they have highly served the *Popish* Designes,) are turned out of their Places, Honours and Pensions, if they dare but suffer the Laws justly to acquit those whom the King would have condemned, as appears (amongst divers other Instances) by his late displacing Judge Holloway and Judge Powell, upon the legal acquittal of the seven Bishos.

(E) See the Pet. of Right 3. Cart. and the late Statutes Car: 2 that declare the dispersing of Souldiers into the Country, and the quartering in the Subjects Housies, to be against the Laws and Customes of the Realm, and 'tis Demanded and Enacted as the Peoples Right that they shall never be so burdened by Souldiers.

(H) See the King's Declaration for Liberty of Conscience, that suspend the Execution of all the Penal Laws whatsoever in matters Ecclesiastical, those that make it Treason to maintain the Popes Powers and Cannons to be above our Laws, or to take his Dispensation of Obedience to them.

We

We need shew to your Highness more particular Instances of our Oppression, since 'tis notorious, that there is a publick attempt authorized by the King to subvert the very Foundation of the whole *Civil Government* of the Kingdom, that is, the Peoples *free Election* (in the Customary Established Course by *Counties, Cities and Boroughs*,) of their Deputies to Act and Consent for them in Parliament unto all Laws to be made and repealed.

The *truly Noble Monarchy* was founded on equal Freedom; and the *Civil Government of England*, was alwaies of right truly free, (K) because no Laws or Authorities ever bound the Persons and Properties of the Kingdom save only these, wherein the Kings and all the Subjects freely agreed, every Subjects free (L) consent being deemed by our Laws to be given personally, as by his Deputies to the Enacting and Repealing of every Law.

Therefore the Statutes of old in affirmance of the common *Custome* should be free (M) from all interruptions and interpositions by the *King* or the *Pope*, and the *Kings* have bound themselves by the Statutes, no way to disturb any *Electors* in making their free *Elections*.

(K) See 14 H: 8. 12. 25 H: 27. 'Tis declared that the Realm is free and subject to no Laws but by their own consent, and that the King and Parliament, representing the whole State of the Realm, have the Power to Dispense with the Laws as they shall see occasion.

(L) See the Statutes 1 Jac: 1. 1.

Custome of England, declared that *Electi-*

(M) See Stat. Westm. 1. 3 Ed: 7. The common Law is there declared, and the King bindeth himself not to disturbe any *Electors* to make free *Elections*. See Car: 2 Parl. See 7 H: 4. 15. 6 H: 6. 4. 9 H: 4. 8.

No *Commands, Promises, or Threats*, no *Prayers* nor *Solicitations* ought to be made unto the *Electors* by the *King* or *Pope*, or any others: the Peoples Deputies (say the Laws) are to be chosen Freely, and Indifferently, without pre-engagement of the *Electors*, or fear of displeasing the *King*, and without promises of Favour or Rewards to them. They are to be indifferent at the Time and Place of *Election*, and in such manner to proceed, notwithstanding any Request or Command to the contrary, otherwise the *Elections* are void and null:

But we are not able to number the various kinds of Attempts and Practices to overturn this Foundation of our Government.

There have been infinite Endeavors and Artifices openly used, to destroy the *Customes, Priviledges, Charters and Governments* of all the *Cities and Boroughs*, by whom four parts in Five of the *Members of the Commons in Parliament* are to be chosen by the *Custome of England*; and to bring all these *Bodies Politick*, and all their *Magistrates and Officers* to be dependant on the *Kings Will*, and to be obliged as His Creatures (not the *Cities and Towns* trustees) to serve His *Popish and Arbitrary Designs*, or to be turned out of their Places at His Pleasure, and such as are either *Papists*, or more *Ignorant and Corrupt* put into their Places.

'Tis known to all, that for this purpose, to destroy our *Government* under colour of Law, there have been causeles *Writs of Quonvaranto* brought by the *King* against most of the *Cities and Boroughs* of the Kingdom, those were seconded by instruments appointed to terrifie the *Magistrates* of the *Cities and Towns* with the *Kings* severe Displeasure, if they dared to insist upon their legal Right and contest with the *King* at Law, to fright them with the intollerable charge, that their legal Defence would cost them more then they could bear, and boldly affirming that they could not hope to maintain their *Customes, Priviledges and Charters* against the *King*, since he was resolved to have them at His Command; then they tempted them with Promises of new *Charters*, if they would comply and furrender their Old *Liberties* into the *Kings Hands*, and pretended that the Names of all that refuled it must be returned to the *Kings Attorney General*.

'Tis no les known, that *Judges* were prepared to damn the *Pleas* of all such *Cities and Towns* as would stand upon their Right, and Plead to the *Quonvarantos* as the *Magistrates of London* resolved to do, their *Common Council* refusing to surrender their *Liberties*, notwithstanding all *Commands, Terrors and Intreaties* that were used to them, they knew it was not in their Powet to betray their *City*, nor in the *Kings* Power to receive unto himself these *Customes, Powers and Priviledges* which the *Great Charter* and the *Common Law* had given them. But such *Judges* as would not Judge that Ancient *Body Politick* (that had holden their *Customes* above 1000 Years) to be dissolved, were turned out; and all the Freedoms and Principles due to the *Citizens* and their *Heirs*, and to the *City* and their *Successors*, were declared by the *Judges* to be Forfeited; His now *Majestys Instruments* thereby preparing His Way (under the shadow of the *late King*) to destroy the *Government* of all other *Cities and Towns*, by frightening them into surrenders, or making a *President* for Judgment against them, and it hath taken such Effect, that the Term of almost all those *Bodies Politick* is illegally changed, and the *Cities and Towns* brought to such a forlorn Estate, that they have no *Magistrates* or *Officers* but at the *Kings Will*, and during His Pleasure.

As there is an actual subversion of the Freedom of the *Government* of the *Cities and Towns*, the Tenure of their *Magistrates*, and their free *Customs* being utterly destroyed, and those that now Exercite the *Magistracies* therein being incapable to choose freely, and indifferently, and to return legally *Members for Parliament*, so there are continual attempts upon the personal Freedom and Indifferency of all the *Electors for Parliament* throughout the *Kingdom*.

His *Majesty* has personally solicited, and attached to many of them by His smiles and frowns in secret, to accept of such for their Deputies in *Parliament* as will comply with His Designs, that

His *Closeting* (N). *Electors*, is become a *By-word* amongst the People: He has made them consent to be barr'd of their Freedom in Electing for Parliament, and in Voting therein, if they be chosen, to be a *Test* of their *Faith* to hold their *Offices* and *Employments* of Profit and Trust, and to have place in the *Magistracy*.

The three Questions to that purpose, are known to all, which His *Majesties Ministers* required to be answered by the *Judges* of the *Peace* and all other *Officers*.

The *Lord Lieutenants* of all the *Counties* by the *Kings* special Command, have Summoned the chief *Officers* and *Gentlemen* in His *Majesties* Name, to flatter or terrifie them out of the use of their *Freedom* in *Electing* for *Parliament*, and Marks of the *Kings* *Dissatisfaction* have been put upon those that resolved to keep their Freedom, and indifference to Elect worthy and fit Deputies according to their *Judgments* and *Consciences*.

An unheard of sort of Commissioners as to their Qualities and Instructions, are lately sent from His • *Majesty* throughout *England*, to *Delude* or *Affright* the *Electors* into a choice of such *Members* for a *Convention* (to be called a *Parliament*) as will ingage to serve His *Designs* of abolishing all those *Ancient Laws* and *Tests* that are the only Human Securities of the free Profession of our *Religion*, and the clearest *Autoritative Declarations* of the *Rights* of the *Crown* and the *Liberties* of the People.

There need not be plainer Proofs, that the *Ax* is lay'd to the Root of our *Civil Government*, as the most certain way to introduce the *Laws* and *Religion* of *Rome*. Yet to convince the whole World in this matter: His *Majesty* has published a second (O) *Declaration*, wherein He has positively declared His Mind, that none ought to be employed under Him in the *Kingdom*, who will not contribute to these His *Designes*, and choose such *Members* of *Parliament* as may do their part to finish what He has begun. He has pronounced all that shall refuse it, to be neither *Good Christians* nor *Lovers* of their *Counties Wealth* and *Power*; and He Declares, that He has begun His intended form of *Government* suitable to those Principles, having turned out by His *Absolute Will* many *Civil* and *Military Officers* throughout the *Kingdom* in pursuance of this great Work.

This puts it out of dispute, that His *Majesty* thinks He ought not to suffer any *Free Election* for *Parliament*, whilst there are such numbers of *Faithful Protestants* to Contest for the *Elections*, who cannot in *Conscience* contribute to the Work He has begun; That is, upon pretence of *Liberty of Conscience* to allow His *Majesty* to surrender unto the *Pope* the *Rights* and *Freedom* of the *Crown* and the *Kingdom*, or to acknowledg, that the People of *England* ought by the *Laws* of *God* and *Christ* to be subjected to the *Church of Romes* *Laws*, and *Jurisdictions* in their Person, and great part of their Estates. That the *Pope* and His *Priests* and *Canonists* should Judge them by their *Canons*, in the lawfulness of their *Marriages* and *Contracts*, and legitimate or *bastard* their *Heirs* as they please, that the disposal of their *Goods* and *Charles* by their *Last-Will*, their *Deby* about *Tithes*, and their *Good Names* and *Bodies* on pretence of *penances*, should be in their *Power* and *Will*.

This is the *Work* begun by His *Majesty*, which Dishonours and Debases the *English Imperial Crown*, and subverts the Native Freedom and the civil Properties and Interests of *English Men*.

Those are the proper Matters and Occasions of most of our *penal Laws* in matters *Ecclesiastical*, to prevent the *Fraud* and *Danger* of *Holy pretences* for such *Unrighteous Attempts* against our natural and civil Properties.

Our *penal Laws* are to punish Offences against the *Civil Government* and *Humane Society*, tho' they be about matters *Ecclesiastical*, the subjects of *England* cannot pretend to be exempted from them, because of their *Consciences*, any otherwise than they may wickedly claim to be free from the *penal Laws* against *Felonnies* and *Murders*, if they shall plead that they Robbed or Killed according to their *Consciences*.

His *Majesties* avowed Intent and Endeavours are to free the *Emissaries* of *Romes Priests* and *Papists* from the punishments and dangers of those our *penal Laws*, against such manifest Attempts, upon the *Freedom*, *Rights*, and *Properties* of the *Realm*, that His new Erected *popish Colleges*, His *Convents* of *Monks*, His four *provincial Bishops*, and His numerous *Priests*, may be authorized by Him without force of *Laws*, to maintain the *Church of Romes* *Canons* to be of greater *Authority* than the *Laws* of the *Realm*, to Declare all the Power of Magistracy in *Protestants* Hands to be *Unlawfull*, and all Right and Title to their Estates forfeited to the *Papists*, by their being *Protestants*, to own and justifie Dispensations from *Rome*, with their Obedience to all such *Laws* of the *Realm*, as the *Pope* and His *Priests* dislike, and professedly to hold Communion with the *Church of Rome*, the *French King*, and all *Foraign Papists*, that declare themselves Mortal Enemies to the Religion and Power of the *Protestants*, to contrive with them the Suppression or Extirpation of them out of the *Realm*.

This

(N) Note that the *Kings Practice* of *Closeting* *Members* of *Parliament*, was the same as its now for *Electors*.

(O) See the *Kings Second Declaration for Liberty of Conscience*, April 27. 1688.

This work, his Majesty hath so far begun, that he hath suspended and stopped the Execution of the *Penal Laws* against all the *High Crimes*, some whereof the ancient *Papists* of this Kingdom made *Capital*; and he declares all such *Protestants* as will not help to finish it, not to be quallifyd as *Christians* or *Englishmen* for any *Employment* in the *Kingdom*, and therefore least of all to be *Members* of *Parliament*. Hereby his Majesty attempts to Confine the *Electors* in their Choyce to so small a party that he allows them not the choyce of one of forty whom our *Laws* make capable of being Elected for *Parliament*, the Number is so small (*professed Papists Excepted*), out of which his will is to have *Members* of *Parliament* chosen, that our *Laws* will judge it no choice if he can impose his will upon the *Kingdom* as he hath declared it.

Hereby your Highneses may be satisfyed, that our case is deplorable, it seems not sufficient for our *Papish Enemies* to seek the abolition of all our antient *Penal Laws* that are not agreeable to thole new invented Doctrins and pernicious practises of the present Church of *Rome*, which the *Penal Statutes* shew to have been abhorred by our antient *English (p) Papists*, but their design is to destroy the *Constitution* and forme of the *free Government* of the *Kingdom*, from whence arose all those *Penal Laws* against their *Churches* *proud Domination* and their *Usurpation* of the *Rights* of the *Crowne* and the whole *Realm*.

They know by our Histories and records, that the *free Parliament* always made the *Complaints* from age to age against their pernicious *claymes of power* over our *Kings*, our *Laws*, our *Courts of Indicature*, and their *Judgments*; and against their *Excactions, impositions, Frauds and Delusions* of the *People*, with their *Superstitious folly*, whereby they gained a *Q. See the Parliament rolls 4 H. (q) third of the revenues of England*, and drew so much *Money to Rome* *4 i. H. 5.* that they impoverished and almost ruined the *Kingdom*.

They are sensible that they have been able to inslave to the *Pope* and *Priests* several of the greatest *English Kings*, that they could prevail with the *King* for *Licences* and *Pardons* to them to trangress the *Laws* that the *Parliament* made to preserve the *subjects Rights and property*, and that the *Parliament* onely caused new *Laws* to be made for declaring such *(r) Licences, Dispensations and Pardons* of the *Kings V oy d and Nul*,

They know that they have perswaded several of the *Kings* that the *Pope* could absolve their *Conscience* from all obligation by the *Laws*, and from *Agreements, Promises, and Oathes to their Kingdom*, *(s) to maintain their great Charters and all their Laws and Liberties*; and that they prevailed upon one of them to resign the *(s) Kingdom* intirely to the *Pope*, and to hold it of him by *rent*; and they understand that the *People* in *free Parliament* only made and declared all such *Dispensations and resignations V oy d and Nul*, and justly required those *Kings* to renew their *Oaths* to the *Kingdom* to preserve their *Liberties*; and scorned (with indignation) the *Popes demands (v)* of his *Pretended rent for the Kingdom*, declaring that their *Kings* had no such *Patrimonial right* in the *Kingdom* to subject it to any powers on Earth.

They cannot hope that a freely chosen Representative of this *Kingdom* can suffer such a delusion to be put upon them to be perswaded that due *Christian Liberty of Conscience* requires them either to allow the foreign *Romish Laws* or *Canon* to contest for *power and place* with the *Laws of England*, or to suffer any of the *subjects of England* openly to professe themselves, their *Persons, Marriages or Estates* to be subject to any *foreigners jurisdiction*, and to depend on their *Authority, Offices, and Sanctions*, and the Exercise of them for their *Eternal Salvation* (which is in truth to renounce their subjection to *England*) or to own and avow to have the nearest *Union and Communion* with *foreigners*, that openly professe themselves *Mortal Enemys*, to more then a hundred to one of the whole *Realm*, and to be bound in *Conscience* to seek their *suppression or destruction*.

They cannot think that a *free English Parliament* should not always know that no *Doctrines of Jesus Christ* ever destroyed or changed the *Natural and Civil right* of any *person or Nation*, or allowed that any part of the *People of a free Country* should correspond with or depend upon the *declared enemy* of the far greatest part of it, they have therefore resolved to over-turn the very *foundation* of our *Civil Government*, the *Peoples free Choice* of their *Deputies for Parliament*, that there may never be a *free Parliament* more in the *Kingdom*, which is a Plot much worse then their *Gunpowder treason*.

It seems they think it *Safest* as yet to keep a *shadowe of Elections* for their intended *Convention*, by forming *Bodys Politick of Cittys and Townes* to name or returne whom the *King* pleases, and by the specious name of *Liberty of Conscience*, with *Promises of Favor and Threats of Displeasure*, to deceive or affright the other *Electors* to accept of those for their *Deputies* that the *King* shall offer; but if this Attempt upon the *Prime Fundamental* of our whole *Civil Government* shall be suffered, the *King* may hereafter with as much *Justice, Law and Reason*, call whom he pleaseth from any parts of the *Kingdom* to *Consult with*, and in the *Name and under Pretence* of their *Advisse*, change our *Laws and Customs*, impose *Taxes*, and Alter at his pleasure the *(w) Succession*

W. Note that Cromwel took upon him such a power to send for men

by his Letters without *Election* and called them a *Parliament*, and made *Acts*, and intended to have changed the *succession of the Crown* to his own family, if those his *Creatures* could have agreed with him.

P. See the grievous complaints of the Commons in 25 Ed. 3. 4. pro-visos, and 6 Ric. 2. 5:27 Ed. 3.

Q. See the Parliament rolls 4 H. 4 i. H. 5.

R. See the St. 3. H 5. St. 4. 7 H. 4. 8.

S. So the Pope absolved H. 3. and Ed. 1. from their Oath to keepe the great Charter.

T. King John made.

V. See the Roll. part. 40. Ed. 3: num. 8. Rot. Claus. 3. Ed. 1. cal. K. Johns Charter and grant to the Pope a most unjust and forceless Charter; Since burnt.

We must with Sorrow shew your Hs., that they have so far prosecuted this their Design against our Government, that they have rendered it impossible to have a Legal Free Parliament Elected and returned in the present State of the Cities and Boroughs, the Sheriffs and Officers, and the Condition of the Electors, great Numbers of them are quite barred of their Freedom and indifference to elect, which our Law requires by the declared Displeasure of the King, and the threatened and certain loss of their Offices and Impositions and Benefits, if they accept not of such for their Trustees as have unworthily resolved or promised to Vote against our Established Laws as the King will have them, without hearing the Reasons about them by the Kingdom in Parliament, and as we believe, without knowing the Intent and Purpose of the Laws they promise to abrogate.

Tis not now practicable to have the Legal free Consent of the Kingdom, unto the making or repealing of any Laws (without which they cannot be obligatory) until there be a just Restoration of the Customs and Liberties of the Cities and Boroughs, which have been illegally and treacherously surrendered, or unduly wrested from them, and legal Magistrates shall be duly chosen to execute Writs for Elections and make Returns, until there be a Revocation of the Kings terrifying Declaration of the unfitness for Parliament, and publick Imposition of all that will not help to finish his great Work begun, of destroying all our Penal Laws for preventing the Popish Practices against the Rights of the Crown, and the realm.

Nor until there be an absolute Renunciation of all the Promises, Engagements and Subscriptions of the Electors for Parliaments taken by His Majesties Orders and Ministers to restrain their Freedom, and Indifference in their Elections. Thus the cunning and Malice of our Popish Adversaries have cut off all our Legal Means of relief by the Free Common Councils of the Kingdom, whilst they lay close siege to take our Bodies and Souls captive.

We need not remember your Highnesses, that these Attempts and Endeavours to subvert our Liberty in our Religion and Government, is a part of that general Design that was formed and concluded on many years since in the most Secret Councils of the Popish Princes, chiefly managed by the Jesuits, to root out of all Europe the profession of the Protestant Reformed Religion and the Peoples Liberties.

We will not mention the notorious actual Prosecutions of that Popish Resolution in several Kingdoms and (x) Dominions, nor the treacherous Falseness of those Princes in their Treaties, Agreements and Oaths, nor the Oppressions, Bloodshed, and all kinds of Unrighteousness that have been practised by them in Order to that general great Design.

The instance alone of the French King is enough to be named instead of all, because he hath owned and published to the whole World his part in that Design, and by comparing the Iniquities, Baishments, and Murders done upon the Protestants at the same time by other Popish Princes (as they were able) with his publick Confessions of his long laid Design, we may make a true judgment of the whole.

(y) That Edict of 1685. is worthy to be read by every true Protestant.

(z) Tis fit to see in that Edict prepared as its published the opinion they have of Protestants. That they are deemed incapable of having any right to clayme the benefit of the treatys, promises or oaths made to them by the Papists.

In that interim of his leaming kindnes to the Protestants and soleyme professions to them and some of the Protestant Princes, for their observing faithfully the Law and Edict of Nante, that was like the French Protestants great Charter, there were all possible secret Contrivances and Practices to prepare for that great Work, especially in England, that hath long been the head of the Reformed Religion, and the Chief terror of the French King and the Popish World; he shewed his fear of the People of England when he barbarously banished his now Majesty and the late King in their distretts, rather than displease Cromwel, he therefore applyed his principal Councils and Endeavours to distract and weaken the Protestants of England, and to perwade and assist the late King covertly to increase and strengthen the Popish Party; for that end his dearest Confessor the Jesuite le Châiz, was ordered to correspond with Mr. Coleman, that was then Secretary to his now Majesty, and the (a) Letters Contested by him before thom-

(a) See in Coleman's Letters, in Lands, shewed that the Matter proposed was to root out of the world the Protestant Religion under the name of the Northern Heresy; and ten times more of the particulars of that wretched design had appeared if all Mr. Colemans latest Letters for two years and a half that were brought to Whitchat, and many culled out of the rest had not been there suppressed and kept from the sight of the Parliament; yet Mr. Coleman on his Tryal confidently avowed before all the People that design, of Subverting the Protestant Religion, and that he was only a subordinate Minister in it.

It appears by those Letters, that the French Kings Money was to manage that Work, and the Letter sent brought into Parliament by the now Lord Mountague, acknowledged by the late King to be written by his order, prove to the world that the late King was content to become the French Kings Pensioner for his maintenance and pension per annum to keepe off the meeting of Parliaments; we had then discovered the Increase of Popery, and the Danger of the Protestant Religion, and had thereupon formed the Parliaments Plot, and were preparing other Laws for security against the Popish Designs.

It hath also been manifest to the world, that all kind of Devices and Artifices that the French Councils could invent were about the same years used to pervert the Faith and Religion of the United Provinces, or to betray them into the French Kings Power, or at least a dependance upon him.

Tis now notorious to the world, that an agreement was made between the French King and his late Majesty of England to subdue and divide those Provinces, that they might no more be either a Support, or refuge for the Protestants. We crave pardon for our boldness, that we humbly appeal to your Highness whether your Integrity and Constancy in the Protestant Religion, and your Fidelity to your Countrys Freedom, were not about those years vainly attached by those two Kings, or at least by one of them, and whether the Piety, Generosity and brave scorn and indignation expressed at their proposals, did not fix an Enmity in their hearts against you, the effects whereof you have suffered ever since.

The world hath also seen the Effects of the French Kings prosecution of the same design to take away the support of the Protestant Interest by his Pensions to the Chief Men of the Kingdom of Sweden, and to such as he could prevail with in the Court of Brandenburg, and all other Princes Courts that adhere to the Protestant interest.

Yet the Chief of his expence was upon our late King and his Ministers and Counsellors, who concurred in all the secret Practises and Contrivances to weaken the Power of the Protestants, and to suffer the Greatnes, Glory and Terror of the French King to be advanced; but he durst never openly and avowedly join with him in the great Work against the Protestant Religion for fear of his Protestant Subjects, he having deluded them with so many solemn Protestations of his Faithfulness to their Religion and their Liberty.

The French King found by experience, that the Parliaments had prevailed with our King, to break all the measures that they had taken together for the destruction of the United Provinces, by obliging him to a Separate Peace with them, which had forced him to let fall his then spreading Plumes, and in crafty ways to seek and sollicit a Truce, and therefore he durst not during our King's life put in Execution his great Work, that he declares, had been so long in his heart, that by Torments, Murders, and all sort of barbarous Cruelties to suppress the Professors and Profession of the Reformed Religion, and intirely to raze and expunge the Memory of it, as his Edicts and his Practices now declare to be his intentions.

That French King durst not throw off his disguise, and shew himself to be like a ravening Wolf to his Protestant Subjects until our now King had publickly espoused the Popish Design, which he had together with him long prosecuted in the dark, and until he had begun to invade the Protestant Liberties and Security, his putting the Military Powers into Popish hands, and to demand the Parliaments Consent to a Law (which they refused) to authorize him, to make his Papists the Guardians of the Protestants Religion and lives.

The French King then knew that the people of England were in no capatity to interpose in behalf of his Protestant Subjects, however he should destroy them, and as his Edict says, being by the Truce without fear of disturbance, he intirely applyed himself to the great Design, he sent his Dragoons to destroy the Poor Protestants Goods, and to torment their Bodys with more cruelty and inhumanity then was ever practised since the Creation; he resolved for his glory (as his Clergy told him) to shew himself the first and most illinvisious of the Churches Children, and the Extirpator of the Protestant heresy, which they told him was a more solid and immortal title then he acquired by all his Tryumphs.

He then presentead that work of Extirpation as Saul did to strange Countries, breathing out threatenings and slaughter; he sent to the Duke of Savoy, and as that Court complaynes, perswaded and frighred that Prince into a most Unchristian and Bloody Decree, to compell the most antient Protestants in the Valleys of Piedmont to turn Papists forthwith, and they being faithfull to their Religion, that Edict was puruied by the helpe of his Dragoons, and the hameless Protestants tormented and murdered more cruelly then the worst of (b) Kermine or Serpents, until they were utterly destroyed, and their Country given to the Papists. That Court of Savoy seems still (c) Ashamed of that horrid wickednes, and says for their Excuse, That the French King declared he would root out those Protestants by his own force, and possest the Country, if the Duke would not have assyed therein.

(b) See the relation of it printed.
(c) See Dr. Burness Letter from his personal inquiry.

The suppression of the Protestants of England hath been always Esteemed the principal part of the Popish design to Extirpate the Protestant Religion, and therefore all the Romish Councils, Pollicys and industries, their Conspiracies, Poysoning and Massacres, have been long employed about it, and have perfectly gained our now King to serve their design: they have united him with the French King, that their Conjoyned Councils, Treasures and Strength may finish their work of bringing England to the obedience of their Church. Its maby ways Evident, that both the Kings are under the like conduct, and our King proceeds in the same methods against us, wherein the French King hath been successfull to destroy the Protestants of his Kingdom. His first attempt is to subvert our Civil Government and Laws, and the Freedom and being of our Parliaments, just as the French King first invaded the Supreme Legal Authority of France, which was veiled in the Assembly of Estates, from whom alone he now derives his Crown. Our King in imitation of his Brother of France, strives to bring all the Offices and Magistracy of the Kingdom, that were legally of the Peoples choice, to be solely and immediately depending on his Absolute Will for their being, whether they arise by our Common Law or be instituted by Statutes or Charters. He endeavours by various Artifices to bring the dispolal of all the Properties and Estates of the People, and their Lives and Liberties to be at his wiles will by a perversion of the instituted course of our Juries, and by Judges and a Chancellor fit for that purpose, and every moment dependant on his Will; he feeks to make his Proclamations and Declarations

to have as much Power over our *Laws*, as the *French Kings Edicts*. And after his Example he establisheth a mercenary *Army* to master and subdue the *People* to his *Will*.

If he can prevail in these things to overturn the *Civil Government*, then the *Liberty* of the *Protestant Profession* and of *Conscience* in all *forms*, however seemingly settled by him, will be precarious, and he may as easily destroy it as the *French King* hath abolished the irrevocable *Edicts*, *Treaties* or *Laws* of his *Kingdom*, Confirmed by his *Oath*, which were as good security to those *Protestants* as any *Magna Charta* that our *King* can make for us, or any act of a *Convention* with the name of a *Parliament*, which is possible for him to hold in the *State* unto which he hath reduced the *Kingdom*.

Our *King* hath the same *French Copy*, by which he writ assuring the *Protestants* of grace and *Clemency*, giving them Promises of Equal *Liberty of Conscience* with his *Papists*, in preferring unto *Offices* and *Employments* those whom he resolves to suppress and ruin, preventing the Execution of *Laws*, and in allowing *Liberty of Conscience* in some notions, and the outward forms of worship in the *Christian Religion*, provided always that they have no regard or *Conscience* for the substance of *Christ's Religion* in Justice and righteousness, nor stumble at complying with him, or assisting him, in the highest Crimes against *Jesus Christ*, by invading the *Rights and Liberties* of the *Kingdom*, and assuming a forcible *Domination* to oppresse whom he please, which is a subversion of the very foundation of Justice and love amongst men, and by Consequence of the *Religion* preached and established by *Christ*.

These matters of fact are self-evidences, and Clearly shew that our *Grevious oppressions* by our *King* are the effects of the united *Councils* of the *Popish interest*, whereof the *French King* is the *Chief*. That the *Conspiracy* against true *Religion* and *Liberty* that now appears in *England*, Comprises all the *Protestant Princes* and *States* in *Europe*; *England* is only first attacked as the principal fortresse of the *Protestant Profession*, if the three *Kingdoms* of *England*, *Scotland* and *Ireland* can be reduced into the pattern of the *French King* in *Governmēt* and *Religion*, and the strength of them be united against any single *Protestant State* or *Prince* they shall think fit to assault, if they can by *Artifices* keep the rest divided, which will not be hard for them; for there is little hope of any long defence of such a *State*.

The *French King* seems not unwilling to have it known that the *Popish design* is General against all *Profession* of the *Protestant Religion*, tho Especially against *England*, he hath allowed the *Bishop* of *Cosnae* speech to him at *Verasiles* in 1685. to be published, who was authorized to be the *Mouth* of the *Clergy* of that *Kingdom*; he magnifies the *King* for suppressing the *Protestants* of his own *Kingdom*, and asks what they may not yet expect, *England*, saith he, is just offering to your *Majesty* one of the most glorious occasions that you can desire; the *King* of *England* by the need which he will have of succour and of the support of your *Arms*, to manitaine him in the *Catholick faith*, will make you quickly find occasion to give a protection wholly of your self. We know very well before the *French Clergy* declared it by that *Bishop* that the same head that Contrived the perversion or destruction of so many millions of the *Protestants* in that *Kingdom*, designed the ruine of the *English Religion* and *Liberty*: but it surprized us, to see that speech published by the *French Kings Authority*, and that our *King* should suffer the *Translation* of it to pass freely in *England* and thorow the *World*. We thought it beneath the *Majesty* of a *King* of *England* to be content that his subjects should be told, that he was to come under the protection of a *King* of *France*, over whose *Kings*, and *Kingdom*, his *Ancestors* had so often triumphed; but it seems nothing is to be Esteemed inglorious that may serve the General *Popish design* of Extirpating the *Protestant Profession*.

We need not put your *Hſt.* in mind that the same speech acknowledges that the *Popish Councils*, and *Conspiracy* against *England* intend the like ruin to the *Religion* and *Freedom* of the *United Provinces*, that *Bishop* tells the *King*, that he hath undertook the *Conquest* of new *Countries* there to reestablish the *Prelacy*, the *Religious worship* and the *Altars*, that *Holland* and *Germany* have been the *Theater* of his *Victories* only that *Christ* might triumph there, that is, that the *Papists* might trample upon the *Protestants* and their *Religion*, and this he speaks (as he says) in the very spirit of the *Church*, and signifies their hopes of success against the poor *Protestants* to be Unbounded, saying, what may we not yet Expect.

We must freely Confess we were too slow to believe this desperate *Popish Plot* against the whole *Protestant Profession*, and in our particular Case we have been deluded with our *Kings* promises to protect and maintain our *Religion* our *Laws* and *Governmēt*, until we see them all undermined, and the train laid to blow them up by a packed *Convention* of men preingaged, perverted or Corrupted to serve the *Kings* will and *designs*, that shall assume the name of *Parliaments*: we were not utterly insensible of the danger of our *Liberty* in our *Religion* and our *Government* from the time his *now Majesty* declared his *late Majesty* to have been a *Papist*; but who saw that by their secret Conjoined *Councils* they had not been able to prevent the making some *Laws* to secure the *Protestants* by Excluding *Papists* from our *Parliaments* and all *Offices* and *Employments*, and we hoped that our *King* life would not be sufficient to overturne by degrees (as they had begun to proceed,) the Excellent foundations of our *Civil Government*, nor to Extinguish the cleare light of the truths of *Christ Professed* in our *Religion*, and we were assured that your *Hſt.* minds were clearly enlightened in the *Doctrines* of the *Protestant Religion*, and adorned and accomplished with all *Christian* and *Royal Virtues* fit to possesse the highest *throne*.

Thereupon we encouraged each other to suffer with patience his *Majesties* attempts against our *Laws* and *Liberties*, presuming that your *Hſt.* would ere long be our joyful deliverers to the Everlasting Confusion of the *Popish designs* against our *Government* and *Religion*, and to the Vindication of the innocency of the *Protestant Martyrs* in all the *Kingdoms* of *Europe*.

But as your *Hſt.* were the greatest objects of our earthly hopes, so the thoughts of her *Royal Highnesses* succession to the *Crown* in Conjunction with your *Highnesses* vertues and *Military* prowess and magnani-

nity were mitters of the greatest horror and dread to all the Popish Councils of *Europe*; they have therefore applied themselves to various consultations, sometimes it hath been proposed by his Majestys Power with a Parliament by the deuiding Names of *Liberty of Conscience* and a *Magna Charta* thereto to Fetter Your Highnesses in Your accession to the *Crown* with such Conditions as were obtained in Parliament in the cases of *Queen Mary* and *Elizabeth*, which they hoped to strengthen by his Majestys Putting the Papists into possession of all the strength and authority of the Kingdom, united with all the power of the French King, that your Quiet admision to the Throne might not be possible, unless you should submit unto and depend upon the Papists, and the Conditions that they should impose; but they foundit of greater difficulty then they at first imagined to get a Parliament that would joyn with his Majesty in such a project against your Highnesses, therefore is me of the more cautious Papists, of Considerable fortunes, stumbled at the absolute force of a mercenary Army and the French Power to put a force upon the *Heiress* of the *Crown*; they propounded, that his Majesty should rather try the force of his Paternal Power with her Royal *Higheſſes*, and use all the arguments of interest to induce her either to change her sentiments in her Religion, or at least to moderate her thoughts concerning them, and inclin her to concur in their full Liberty.

If such Endeavors should be hopeleſs, that then Your *Higheſſes* shold beat least prevayled with to declare your Consents to his Majesties Declaration for Liberty of Conscience, and your concurrence in his desires to a *Parliament* for the repeal of all the *Penal Laws* in Matters Ecclesiastical and the *Tax*.

It was preſumed, that Your *Higheſſes* might have been perwaded, that the Laws suspended and dispensed with by his Majesty were only two or three Laws againſt the *Protestant Dissenters* holding their Conventicles, and ſome Laws made ſince the Reformation, only to *Compel Papists* by great penalties to come to Church, and to keep their Priests out of the Kingdom, and it was hoped that Your Highnesses Compation, to all Christians, and a tenderness of the Liberty of Conſciences, would have moved you, without further Examination, to have complied with his Majesties Request.

It was believed, Your Highnesses would never have inquired after the *Penal Laws* in Matters Ecclesiastical made by the antient *Papists* many hundred years ſince, againſt the horrid invasions by the Romish Church on the Rites of the *Crown* and the Realm, whereby they had impoveriſhed, inſlaved and almoſt ruined the Kingdom, nor that your Highnesses would have understood that the King hath opened a return to all thoſe wicked practices of that *Popish Church*, and that the repeal of thoſe Laws would ſettle them.

It was ſuppoſed that Your Highnesses had not known that the *Penal Laws* in Matters Ecclesiastical contain moſt of the cleareſt authoritatice Declarations, that are extenſt in any records of the rights of the *English Crown*, of the Form and Conſtitution of our *Government*, and of the Rights and Liberties of the ſubject, the Church of *Rome* claimes, Uſurpation and intolerable abuſes and oppreſſions having put a neceſſity upou the Kings and *Parliaments* to make thoſe declarations of Law that are now antient Evidences of the inheritanſces of the Kings and People of inestimable value.

It was imagined, that Your Highnesses would not have diſcerned the conſequenes of a General repeal of the *Penal Laws* in Matters Ecclesiastical, that by enacting only his Majesties declaration, (as he propounds there) would be the moſtaſolute and compleat eltabliſhment of Popery that the Romish Church can wiſh. All the Canons or Laws of the *Church of Rome* ſhall then have greater legal force in *England* then they have had in five hundred years paſt, and all her Authoritys and Jurisdictions over our Peoples and Ellates will be in the ſame manner legal by antient uſage and approved by *Parliament*, as ever they were heretofore in *England*, part of *Magna Charta* iſelf will be repealed, that makes it *Penal* to ſuch as the priest ſhall delude to give their Lands to *Religious Houses*.

There was ſuch a Confidence of deceiving your Highnesses and obtayning your Consent, to the repeal of the *Penal Laws*, that the Priests spread a rumor, that you had agreed, and that his Majesty understood you well therein; a ſafele Jesuite had the impudence to whisper it as a ſecret, that their General design could not miſcarry, ſeeing they were ſecrely auſſured that the Prince of *Orange* would Concur in it when it was leaſonable to declare himſelf.

We were certain of the fallenes of thoſe rumors, ſome of us knowing of applications that were contrived by his Majesties order to your Highnes in that Matter; and we were much ſurprized when a friend of ours at *Whitehall* told one of us about the end of *August* laſt, that the rumors of Your Highnesses concurring with his Majesty were ſuddenly hufhed, and that he heard a whipper that it was ſayd with much ange that Your Highnesſes were oblitinate in your Errors, and thought to make your ſelves popular with the *Church of England*, and he would trouble himſelf no more with you, but you ſhould repente it.

Some few of us, who had oiten conſerences, concluded that the King had changed his meaſures, but could not image what was designed to offer to a *Parliament* in lieu of a *Protestant Successors* consent, to oblige them to repeal the *Penal Laws* deſired by his Majesty. It was not long before we heard it muttered that the Queen was with Child, and then the *Papists* began to Triumph, and the Priests gave out boldly, that it would ſet aside her Royal Higheſſes right to the Succellion, tho it were a daughter, and ignorantly and impudently affirmed that if the *Queen* had a daughter born after the King came to the *Crown*, it ought to ſucceed before a daughter born when he was but a Duke; but none but the *Papists* gave any Credit to the report that ſhe was with Child; and the Fable of the Dutches of *Modena*'s requeſt in heaven or purgatory, and the Lady of *Loretto* helping her to conceive a ſon for the ſake of a fine prietur, made all but the *Papists* believe it a meer invention of the Priests whatever ſhould inſue.

The ſtory of it ſhewed it to be of the linage of the Popiſh legends, and was a mattet of laughter and deriſion among the People, and a Subject for Poets lampoons, which were ſo common that they were in *Whitehall* it ſelt, and no doubt they Came to the knowledg of his Majesty and moſt of his Court. The more ſerious

serious Protestants presently apprehended, that a supposititious son was designed to abate your Highnesses growing reputation and Power, all the Protestants of Europe then justly looking upon her Royal Highness as Heiress apparent to the English Crown, and your Highnesses in all respect to be the fittest head for the Protestant Interest against the General Popish Design.

They knew this devise to be necessary for supporting the glory and terror of the French King against the great reputation of your Highnesses by the Expectancy of the English Crown; 'tis known that he dreads your Highnesses vindication and recovery of your own rights from his manifest violence and rapine, and your Patronage of the Protestant interest in all Europe against his arbitrary and bloody designs.

He knows that if her Royal Highness succeeds to the Crown of England, he will be quickly incapable of prosecuting his cruel intentions against the Protestants of other Countries, and it may be scarce capable of supporting his grandure and triumph over his miserable subjects.

The very Expectation for 8 or 9 months that the Queen might bring forth a son, was greatly for the Popish advantage, if the trick should have failed in the issue by any unlucky accident, it made a stand for a time of the Protestants of all Countries in the great Expectations from your Highnesses; it raised triumphant hopes in all Popish Countries; it strengthened the English Papists hands and hearts to prosecute their design vigorously; it encouraged corrupt and time-serving Protestants in Profession to fall in with their party, and prevailed with many weake dissenters to make them believe a succession of Popish Princes, and that their Liberty of Conscience is only to be expected from them, and that therefore they ought to serve in their imployments.

When we saw the Incredulity and Mockery of the multitude at the story of the Queens great belly, and the sad apprehensions of the more Considerate, that for the politick support of the Popish design a Counterfeit Son of the Kings might be imposed on the Kingdom, we resolved to observe and keep memorials of the rise, progresse and issue of the whole matter (as far as we could get intelligence) we presently perceived that the Popish Priests were the prime reporters and most confident assertors of the undoubted truth of the matter; and they boldly took upon them to presage, that the Queen was with Child of a boy, that was to finish the settlement of their Church in England, as Certainly as if they had seen the Fetus perfectly formed in her womb, or rather as if they had been privy to the plost of a Supposititious boy, and had their cue in the Management of it.

Their manner of talk and boasting increased the General suspicion we knew that sort of Priests maintained the vileness wickednes to be lawful for their Church's service, and that they have been notorious for impostures and forgeries of all sorts; they once forged an Eternal Gospel, (as they calld it) to support the orders of the Mendicant Fryers, and if we may believe some of themselves, they have a Father Tisler in some rich Convents to forge titles to any mans lands adjoyning to theirs when the Convents have a mind to them: those Priests contrived Queen Marys great belly for a Counterfeit heir to the Crown to have Carried on their Catholick cause, and as great publick Triumph and solemn prayers for her belly were made at Rome and in all Popish Countries as have been made in our Queens Case; but their designe was unluckily Crossed when her deliverance was Expected, and their joyes and prayers vanished in smoake.

Some of those Priests were the Agents for the bloody and unnatural usurpation of our King Richard the third. A Priest preached at Pauls Croſſ to make the People believe that King Edward & his elder Brother whose Sons King Richard had Murthered, was a Bastard, not the lawful Son of Rich. D. of York, and that Richard was the true Legitimate Son, and had been a long time wronged of the Crown belonging to him.

It was a Priests invention and management to set up Lambert Symnel a Bakers Son against King H. 7. Counterfeiting him to be Earle of Warwick, and laying claim to the Crown, and was Proclaimed King in Ireland, and marched into England with a good Army to maintaine his Pretence: and by the like advice Perkin Warbeck another Counterfeit was set up against the same H. 7. by Margaret Duschesse of Burgundy to be Richard the younger son of Ed. 4. and made such a Considerable party in Ireland, and was so received and assisted in Scotland, that he bid fair for the Crown: and we could not forget what a Cheating trick the Jesuits invented and practized of later years about procuring an Heir to a Crown that is become their chief supporters in Europe.

The Remembrance of these and many other wicked frauds of the Romish Priests of the like import to change the Successions of Crowns to serve their Church, and seeing them so busie and industrious to prepossess the Peoples minds, with an opinion that the Queen had a great Belly, and that it was a Son, when it was impossible in nature to be known if she had been then really pregnant; these things we say put together Confirmed our suspition that they acted a part as they were influenced, and that a Counterfeit son might be resolved on to be set up for Prince of Wales, as Common fame Confidently reported.

The Collections and Observations we have since made of the things that occurred during the Queens supposed pregnancy, and about her Pretended delivery of this Son, have made the truth of the Matter to Plaine in our apprehensions, that now we no more suspect but Conclude and believe this Pretended Prince of Wales to be a Meere Counterfeit, and we hold it our duty to your Highness, to our Country, and to the whole Protestant Interest (this Child being set up against all these) to set before you all the Memorials we have taken in the whole Matter, several of us having been at last very near the Court during the whole transaction.

We crave leave to put your Highnesses in mind, that before we can convincingly set forth the special, and particular facts, and Circumstances that we have remarked in this matter, 'tis necessary that we first remember and evince the truth of some general Conclusions about the proofs and Evidences whereby

by a true Judgment ought to be made of this supposed Prince; and if your Highnesses shall be clearly satisfyd in the Truth of those Conclusions, whereof we cannot doubt you may be fully convinced by them alone, without further hesitation or Inquiry, that this supposed Prince of Wales cannot be justly judged by any kind of Rules of Justice or Law whatsoever to be in truth born of the Queen.

The firſt certain Conclusion to be remembred is this, That by the Universal Rules of Justice and Equity any Child of our Queens (that was expected or hoped to be the Heir of the Crown of three Kingdoms, and to postpone or ſet aside an undoubted Heireſſ apparent, and also the right Expectant of a warlike Prince, and divers Princesses of the Blood) we ſay, ſuch a Child ought to have been attelteſt to be born of the Body of the Queen of the personal certain knowledg of proper Witneſſes fitable to the caze and concern, in to great a number, and of ſuch unſpotted fame, undoubted Authority, and perfect indiſterency, that the Prooſs of its Birth could never have been reasonably drawn into doubt or question, either in England or any other Christian Kingdoms or States.

A Son of the Queens Body had naturally and really made an entry in the moment of his Birth, upon the apparent right of her Royal Highneſſ: She had thereby rightfullie ceaſed to be Heireſſ apparent to the Crown, and no Rules of natural Civil Injuſtice, nor the Law of any Civil Government, will allow or ſuffer entrys to be made and perſons to be oueted of the Rights they apparently had in Judgment of Law, without ſufficient prooſs either of right Paramount to the others, or a determination of theſe former Rights apparent.

Our English Laws, and ſpecial Statutes for that purpose, abhor any Entry upon the apparent legal Right of another, either of the Will of the King, or of any Subject; the Admiflion of ſuſh a Practice is abſolutely deſtructive of Property and all Civil Injuſtice and Government; it diſſolves the whole Civil Government, and turns all into the conuſed courfe of natural Right, whereſoever a Civil Government and Property is eſtabliſhed on Entry of Will upon the Legally apparent Right of others, without ſufficient Maniſtation of their own greater or better Rights, is directly contrary to Gods Eternall Law of all Righteouſneſſ amongſt men.

Upon theſe certain infallible Foundations we build our Conclusion, that this ſuppoſed Prince of Wales, Born of the Body of the Queen, ought by the Laws of England, the Fundamental Rules of all Civil Injuſtice and Government, and by the unalterable Laws of God to be maniſtely proved by them, that pretend it beyond all poſſible Contradiction in ſuſh manner as is deſcribed and ſpecified in the preceeding Conclusion, and ſuſh prooſs ought to have been publicly divulged and made known to England and the World, before his Patrons ought to have entred in his name upon her Royal Highneſſ Right in the Judgment of our Laws to be ſtiled and reputd the Heireſſ apparent to the Crown of England, and to aſsume to him that Honor and Glory, which her Highneſſ justly had in England, and all the Kingdoms and States of Europe to be apparently the next Successor to the Crown of England.

Questionleſs all the Civilized Kingdoms in the World, that are Hereditary, have pursued theſe principles of Juſtice and reaſon in their Common Cufome, to have their Princes born in the preſence of the Princes of the Blood, the chiefeſt Men of Religion, and the greateſt Nobles and Officers in the highest Truſts for the Kingdom, and the Ambaſſadors and Minifters of forreign Kingdoms and States. That the Heirs of thole great Inheritances might be ſo known and maniſt that it might not be poſſible for any Controversies to arife about their Births, and their being the Lineal Heirs of the Reſpective Kingdoms. Whenſoever Rights of any kind are obtained merely by virtue of Birth, thoſe that claim them are bound to prove by Witneſſes fitable to the Reſpective Circumstances of every Cafe, the reality of their pretended Birth at their Peril of being juſtly excluded from the Rights they demand; yet Juſtice does not always require the like Witneſſes and clearneſſes of Testimony about the Birth of all common Persons, the Circumstances of their caſes being ſo diſferent, that Witneſſes of ſuſh qualitys, and in ſuſh a number as may be ſufficient proof for the birth of one Heir, may juſtly be judged iſufficient for the birth of another.

But the Birth of the pretended Prince of Wales was attended with ſuch Circumstances, that Juſtice required that his Birth of the Queen ſhould have been teſtifyd by a plenty of ſuſh Witneſſes as their proof might have amounted to the higheſt degree of Certainty that is poſſible to be built upon humane Testimony; doubtleſs the Circumſtances of his pretended Birth were very extraordinary.

It was generally reputed and believed that the Queen's ſickneſſes and infirmitys had diſabled her to bring forth a living Child. The famous Phisitian Dr. Willis ſhewed that opinion to his Brethren of one of her Children when her Maſteſty was much stronger, ſaying, there were mala ſiamina vita, and the popular opinion therein was confirmed by ſeveral years experience.

It was notorious that two hundred to one throughout the Kingdom did not believe the report that her Maſteſty was with Child, notwithstanding all that was ſayd of it by the King and the Queen, and the Prayers injoynd thereupon.

That her Maſteſty's pregnancy was as little believed in forreign Protestant Countrys as in England; and Pamphlets were published in ſeveral Countrys as well as in England, that declared the Report of the Queens being with Child, to be nothing more then an Artifice of the Jeſuits, by thoſe hopes of a Popiſh Successor to the Crown, to encourage their Catholicks in their Designes, and to gain Proſelites.

It was publicly known, that there was a jealousy in the greateſt part of the Kingdom, that the Popiſh Councils had deſigned to impoſe upon them a counterfeiſt Prince of Wales.

There were also Circumstances about the Birth of this supposed Prince of another sort and no less important. It was the general opinion that the Security or Danger of the Profession of the Protestant Religion, not only in England, but in all the Kingdoms and States of Europe, would be the certain consequence of her Majestys bearing or nor bearing a Prince of Wales.

The Birth of such a Prince was to be a great diminution of many Princes and Princesses in their Expectancy and Primity to the Succession to the three Crowns, and threatened England with the Danger and Misery of falling under an Infant Prince in name, and in truth under the Domination of Rome.

All these special Circumstances attending the birth of this supposed Prince of Wales being of such nature, import and number, as the like never met together before in the Expectations of the birth of any Prince in the world. In this Case Natural Justice common to all Nations, and the practical reason of the special Customary Law of England in the proof of Matters of fact, we say, both universal Justice and the Peculiar Law of England required indispensibly that there should have been such proper-proof that this supposed Prince was born of the Queen, as was answerable unto all the special Circumstances in the case, such proof as had comprehended the objections that might arise from every of them as fully as was possible in the nature of the things, that the Testimony of his birth might have been sufficient to have satisfied the most jealous and distrustfull about it in our own and foreign Countries, and to have removed all the prejudices against it that were known to have been spread far and near by Common fame.

It was absolutely necessary in Justice, Law and prudence, to have had such proof of his birth as our precedent conclusion hath asserted; that is,

That there had been Testimony of it, of personal and absolutely certain knowldg. Women to have testified their Personal sight and perception of that very individual Child coming naturally out of the Queens womb, and men to have witnessed their immediat free and ful sight and inspection of that very Child by the womens assistance in his pure natural nakedness, with all the known marks and tokens of his being just separated from the womb, and from those other things that are natural to the birth of a Child, the effects of such separation being there visible, and impossible to be hidden, such Testimony is always provided for in the birth of every Prince of the blood in France tho never so remote from the Crown.

That the witnesses of those Matters had been fit and proper witnesses, suitable to the greatness of the Persons and things that might be in question, and to the vast Extensive Consequence that may issue thereupon. Nature, or the first light from God Created in the minds of mankind, dictated the equity of those Roman imperial Laws that appointed those which asserted fission or marriage to prove them by fit or proper and molt unquestionable witnesses; most of the Writers about those Laws serve themselves therein of these Words severally, which we will for shortnes put together; *Matrimonium & filiationem qui afferunt, debent, probare per testes, idoneos omni exceptione maiores;* they that alledge a marriage or a Child being by vertue whereof they claim, ought to prove it by witnesses that are above or beyond all possible Exception; in this case there ought to have been such fit witnesses that nothing could have been objected against them in any respect either by Englishmen or foreigners.

That the witnesses that Law and prudence required of both sexes, had been fit and proper in respect of their years, or age, that the women had been Matrons, whose gravity and sobriety were fit to attract some decent reverence from the men of like quality in their Exposing to them nakedly the works of nature as was inavoiably necessary.

That they had been fit and proper in regard of their sufficiency of knowledge and understanding in the Matters of Child-bearing, such as knew by Experience all those works of Nature in what Manner the Mothers ought to be and are Customarily treated in their real travel and Child bearing and immediately after it, and what are the natural Symptoms in the Mother, that Accompanies their real bringing forth of a Child before it hath been its natural time of nine Months in the womb, and at its due natural time, and also the signs of a Child perfectly grown in the womb or brought to light before its time of perfection; it was of necesity that the witnesses had been of such knowledge and experience in all these Matters, or so sufficiently informed about them by others of skill and faithfulness, that it might have been evident to the Kingdom that such witnesses could not be imposed upon, deluded or deceived by any Cunning artifices to believe this pretended Prince to have been born of the Queen, if he were in truth supposititious and Counterfeit.

The General Rules of our Canon Law required, that the Witnesses had been publickly known to the Kingdom by their Persons or their Names, their Interests, concerns or Imployments, our Fundamental Laws have taken care that all matters of Fact should be decided by Jurys of the Neighbourhood where the Facts are done, that the Witnesses, that testify them, may be known to the Jurors; and Fraud is always suspected if persons unknown to the Neighbourhood of the Facts be produced to witness them, unless there be manifest reason for their knowldg of the Fact better then those that were neer to the place, and known to the Jurors.

The reason of our Law is of impregnable force in the case of the supposed Prince, that the Witnesses of his Birth should be persons publickly known, on whose knowldg, truth and credit the whole Kingdom and the Christian World should rely in a matter of such vast consequence, obscure unknown persons never publickly named or heard of in this or any foreign Kingdom, and above all obscure foreigners, French or Italians, or others, ought not to be deemed fit or competent Witnesses to satisfy the Kingdom in this Fact: indeed when Circumstances are considered, it will be evident that the pretended Testimony ought to be rejected; and if it be offered, it justly puts a prejudice upon their pretences in regard there was a whole Kingdom, besides all the Eminent Ministers of Foreign Princes and States, out of which Witnesses might have been

selected that were publickly known and heard of by all the People, and the necessity of it was never more so manifest in any case, it being known to his Majesty and his whole Court, that the Queen being with Child, was not generally believed either in England or Foreign Countries.

Common Justice required that the Witnesses had been fit and proper in respect of their high distinguishing Quality, either that they had been dignified with some of the highest Ecclesiastical Dignities, as Arch-Bishops, or Bishops, or had been by Birth or Creation of the degree of the greatest Nobility of the Kingdom, or that their extraordinary Worth had raised their Reputation, and had been honoured with the great and Eminent Offices of Trust in the Realm.

Our Laws are impartial to High and Low in hearing the Testimonies of Witnesses in every Case, and therefore they duly consider both the Circumstances of every Fact to be proved, and of every Witness, and his Capacity to prove it; our Laws indeed judge not Truth and Integrity to be annexed and intailed to Dignity, Nobility or Greatness, yet they justly claim the Testimonies of persons of great Dignity in the Church or of noble Birth, and raised Knowledge and Fortunes, and independant upon others to be more free from exception (which this Case requires) than those that are of weak understandings without the advantage of excellent Breeding and Instruction, or indigent and bound to depend upon Favour of others for their support, like Nurses and Midwives, and other Servants.

Therefore (*Ceteris paribus*) (the Capacity and Probability of knowing the Facts and the Indifferency of witnesses of High and Low degree being equal) our Laws justly allow most weight and Credit to the Testimony of dignified and noble Witnesses, and they are therefore required to prove the Fact of a Prince's Birth, whereupon depends the Right and Title to Kingdoms to exclude the apparent Right of one, and to put another into possession of the same.

Our Laws presume Persons of such high degree to have greater sense and regard to Conscience, more generosity and contempt of Falsehood, and more tendernets of their Honor than those of Low Condition, and upon that presumption Noblemen's Affirmation upon their Honor are in many cases accepted by our Laws in lieu of their Oaths, unto which all others are obliged in the same like Cases, and for that reason their Declarations of the Birth of a Prince without their making Oath thereof judicially, have been as certainly rely'd upon by the Kingdom in the Descent of the Inheritance without Dispute, as if they had sworn their knowldg in the terms of Justice.

There are also other circumstantial Reasons (unto which our Laws have regard) for the greatest value to be put upon the Testimony of the Nobility of both Sexes about the Birth of a Prince; they are most accustomed to the presence and conseruation of the King and Queen.

Such Ladys are justly presumed to be free from too great awful Distances, Common to those of lower Quality, and to have more Audacity and Confidence to make such near Approches to the Queen in her Travel and bringing forth, as are necessary, that they may be ocular Witnesses that they have seen the Child in its very Birth; and such Nobles are more bold and free to take such a searching view of the Child in its naked naturals as may make them knowing Witnesses of its Birth, and absolutely certain that they are not deluded with a Supposition's Child.

Such Noble Witnesses are also known to have greater Obligations upon them then others to prevent all possible Questions and Disputes that may arise by any uncertainties about the Succession to the Crown, which may divide and destroy the Kingdom and their great Interest and Posteretys; their Conditions and Fortunes are supposed by our Laws to be above temptations by Bribes of Wealth, or Honour, to connive at falsehood, or to stoop to serve a Counterfeit Prince.

Upon all these Considerations the Witnesses of the Birth of every English Prince ought to be of such High and Noble Quality; and it was known to have been infinitely more necessary that the reason of our Law had been exactly observed in the case of this Supposed Prince, then ever it was since the foundation of the Kingdom; there never was any such occasion to have stopped the mouth of Publick fame, or to have shewd the jolly jealous Subjects that there was such fit and proper Witnesses that a Prince was now born of the Queen as were unquestionable without any possible exception, whose truth and faithfulness might be relied upon securely. Justice also required for full security that there had been competent and sufficient numbers of those fit and proper Witnesses, at least that there had been so many of them as were able to obviate all ways and practices of deceit, that it could not have been supposed to be possible that a Fraud had been put upon them.

This sort of Caution is always just and necessary in the birth of our Princes, but in the present case there could have been no honest end, intention or pretence to have confind themselves to a small number of Witnesses of a fact wherein a Kingdom, known to be filled with just suspicions of an imposture to be put upon them, were to be satisfied meerly by the Witnesses averment, and a Noble Prince also to be excluded from being Heires apparent to the Crown.

Our Laws require Witnesses of facts answerable to the nature and Circumstances of them, and always require ample Testimony when the Partys that are obliged to prove them, had it in their powers and choyce without charge or burden to themselves to have multiplied their Witnesses to what number they had pleased, and could not be ignorant of the usefulness or necessity of it, and yet more especially if the fact were such whereby Great Benefit was to accrue to them and Answerable Loss unto others; in such a case it would much abate the strength of the proof in the course of our Law, if there were such a small number of Witnesses as might leave room for any objection or the least doubt of the fact.

The ancient Roman Imperial Laws in the Cases of Subjects, when there was a Posthumus to be born that might exclude another Heire apparent. We say, those Laws in common natural Equity to prevent a supposition's Child, appointed thirty days to be given to the apparent Heire, and all others whose Right was concerned of the Ex-

pected time of her Travel, and delivery, that on the behalf of the Heir apparent, Women might be sent to be present to see the Birth of the Child that might become the Heir; that Law confined the number to five free Women to be so sent, allowing her that was to be delivered to have also five Women of her own chusing, and no more; so that the number to be present at her delivery should not exceed ten besides two Midwives, and six Maid Servants, that were no Witnesses.

This Rule was set down positively in the Empire, as the Dictate of natural Equity and Prudence; and although England hath no positive written Law, that prescribes any set number of Friends to be sent in such a case by the Heir apparent, to see the Birth of such a Child, yet the Custom and Practice is in every such case (tho' no Fraud be suspected) to give notice to the next Heir, and that some of their Friends are customaryly sent (to what number they please) to be present at the Birth of the Child, that may be an Heir to the Exclusion of another.

That practice with us is not of Favour, but of Legal Right, our Common Law generally Binds all that set up a claim to any thing that another hath, to give such Notice of his pretence as is needful to make his just defence if he can, and to prove the Fact whereby he claims by such a number of Witnesses as may put the Truth of it out of doubt to the Court of Judicature; but that number in the Course of our Law is greater or smaller, according to the Cause that appears of jealousy or distrust of the Truth of the Fact pretended.

Thele Rules of our Law, and the Reasons of them fully include the case of a Pretender of a Child to be born to exclude an Heir apparent, and if there were many known grounds of suspicion in any such case that it was designed to set up a *supposition Child*, and a notorious Common fame of it, and no notice were given of the time expected of the Childs Birth, hoped to be Heir, to the then Heir apparent, or to any that had expectances of the Inheritances. We lay, in such a case, by the Rules and Practices of our Laws, a small number of Witnesses of the Birth of a Child ought not to be believed, since they that should claim for such a Child might by due notice to the Parties concerned have had such Witnesses as had put the Childs Birth beyond all question.

Certainly by the reason of our Common Law, there ought to be a much greater number of Witnesses of the Birth of every other Prince, then of the Birth of the Subjects Heirs; but our Law requires that the Birth of this pretended Prince of Wales should have been proved by a greater number of Witnesses than was ever needful heretofore, in the case of a Prince; there ought to have been so many fit and proper Persons present at his pretended Birth, that it might have been manifest to all that had heard it, that the Eyes of so many Witnesses of such Condition, knowledg and Judgment could not have been deceived in what they had testified to have known, and seen; the number ought to have been so considerable, that there could have been no reasonable Suspition, that so many of both Sexes, and of various Dignities, Honours and Interests (and some of them of Consanguinity with the former Heiress apparent) had made a Confederacy amongst themselves to abuse the Kingdom with a Counterfeit Prince, and that so many had kept each others Council in a Fraud and Falsehood so odious and injurious.

It had been common Prudence as well as Justice to the Realm, that the Witnesses of the Birth had been very many, that amongst such a Number some of them might have been known in one Part of the Kingdom, and others in another Part, and that some of their Names and Qualities might have been known in Foreign Countries, and for that Reason the Ministers of Foreign Princes (according to Custom) ought to have been some of the Witnesses; the Peoples knowledg of the Names, Qualities or Persons of the Witnesses had much conduced to their fuller assurance of the Truths; it would have appeared to them incredible and almost impossible that the Integrity of such and so many Witnesses could have been attacked either separately or jointly.

But on the contrary, seeing Custom and Law required a good number of fit and proper Witnesses to have made up a Testimony of the Birth of a Prince, that might have been truly said to have been *omni Exceptions mali*, above all possible Objections against it; and seeing the wit of man cannot invent a reason why the King and the Parcys of this pretended Prince of Wales did not provide such ample and unquestionable Testimonys, that he was born of the Queen, when they could not be ignorant that it was the voice of common Fame in England and Foreign Countries, that her Majesties Conception of a Child was meerly Fiction, and that a *supposition Prince* was designed, and seeing no Excuse or Pretence is published for the neglect or Failure of such a Testimony of his birth, weday (the Circumstances of the Case being considered) its most unjust to expect or demand of Your Highnesses, or of the People of England, or of Foreigners, a belief and acknowledgment that this pretended Prince of Wales was born of the Queen.

As our Common Law informs us, who are fit and proper Witnesses, whose Testimonies ought to be received in this Case, and in the proof of all matters of Fact respectively, so the same declares who are deemed to be unfit and disabled to be Witnesses in all the various and respective Questions of Fact, it shews whence Testimonies ought not to be heard, and muchless believed in divers sorts of Facts that come into question; if your Hs and the Kingdom be told of the presence of such persons to have been at the Birth of this pretended Prince, they ought not by our Laws to be accompted Witnesses, nor their averments in the case to be heard by your Hs or the Kingdom, and muchless to be allowed to be of any Validity in the Common course of our Courts of Judicature; it Parties concerned to prove a Fact do knowingly offer for Witnesses such as our Laws reject in the Facts in question, it turns to the prejudice of their other proof; we are therefore obliged to acquaint your Highnesses with the Actions, Qualities, Respects and Circumstances that have disabled many by force of our Common Law to be heard as Witnesses of the Birth of this pretended Prince of Wales.

First, our Laws utterly disable all those to be heard in the Case that have received either gifts of Money or

or Honours, or any other Reward or Benefits whatsoever for their pretended Assistance about his Birth, or by reason or occasion of that pretence; 'tis the Common Practise of our Law, that when a Witness is produced, the adverse Party may examin him upon his Oath wherher he hath had Money or other Reward, or Gift, directly or indirectly, for or by reason of the matter in question, or from the Party in whose behalfe he is produced to testify, or from any of his Friends; if he cannot acquit himself thereof by his Oath, tho' it cannot be proved against him, our impartial Law denies such a person not only to be partial in the Case, but corrupted, and bribed, and unworthy to be heard.

Our Law will not admit those to be Witnesses for the Birth of this supposed Prince of Wales, that have any Promise, Expectation or Hopes of any Advancement, Office, Place, or Benefit by or under him, if he shall be received and allowed by the Kingdom to be Prince of Wales; they that cannot purge themselves by their Oaths from all such Promises, Expectations and Hopes, are not in the Judgment of our Law persons indifferent and unconcerned in the Event of the Matter in question, nor fit to be heard as Witnesses, their Testimonies being partly for themselves and their own Benefit; and the allowance of such Testimonies in Judicature would in consequence subvert all Civil Justice and Government. Our Law excludes all from being Witnesses to support the pretence of the supposed Prince of Wales, that have such dependance on the Patrons and Maintainers of him, that they are in danger of damage and loss by them of any kind, if they should displease them in their Testimony. Our Laws judge all such not to be free and of their own Right in the Case, but bound to serve and please the Patrons of the Cause, and therefore presume that they may be corrupted by fear of loosing the Advantages they love, if they should impartially declare the whole Truth and nothing but the Truth of the matter.

Our Laws seek to know the naked and entire Truth of all Facts that come into legal question or Contest, and will not admit of any to be Witnesses of them, unless they appear to be free from Fears of any Prejudice to themselves by speaking the Truth impartially. We are inforced by the Concern of all the Protestants, to speak more plainly than we would; we must say, that all that hold Offices of Profit and Honour during the Kings Will, are by the Laws of England excluded out of the Number of fit and competent Witnesses about the Birth of this Child, whom his Majesty hath proclaimed and maintains to be Prince of Wales; our good Laws have regard to human infirmities, and will not put a temptation upon men to suffer them to be Witnesses in matters, wherein they may damify themselves in the loss of their Offices, if they happen to displease their Master in his concern in the case, by testifying clearly the whole Truth of it; they are not free in the Judgment of our Laws, to speak the Truth without Fear, and for that reason are not to be received by the Kingdom as Witnesses in this Case.

Our Laws will never allow or suffer any to be Witnesses in this Case, who are known or may be proved to have Emity or Prejudice of any kind upon any account whatsoever to her Royal Highness, against whom most immediately this supposed Prince contends, She having been most unquestionably the Heir apparent of the Crown, and justly so remaining until the Kingdom shall be satisfied by a sufficient Number of lawful Witnesses, that there is a Prince born whereby her claim to the next Succession shall be postponed; the question of Fact to be decided by Witnesses is apparently between her Royal Highness and this supposed Prince; and 'tis an illegal unanswerable and conclusive Exception against any to be received for Witnesses against her in his behalf, that they are declared Enemies to her, and the professed Protestant Religion; the destruction whereof they are bound in Conscience to endeavour, and for that reason such known Enemies to her right of Succession to the Crown, that their Church have decreed and declared her Right, and the Right of all Protestants to any Authorities to be absolutely forfeited to the Papists for Protestants Heresy.

It cannot be denied, that all that are sincerely Roman Catholicks, and believe their own Church, do judge Her Royal Highness to be an Excommunicated Heretic by their Church, and that all her Rights in possession and reversion are thereby confiscated, and that they are all obliged by the Law of their Church, in Conscience of their Religion, and by the hope of Pardon of their sins, to defeat and destroy by all ways and meanes in their Power all her Pretensions to the Descent of the Crown upon her, and to assist to the investing the Right to the Succession in a Roman Catholick. We might here add, that our English Papists are all in Union and Communion with the Pope, as appears by his Nuntio in London, and he is by the antient Laws and Statutes of this Realm declared the Publick or Common Enemy of the Kingdom neer two hundred years before Henry the Eighth.

'Tis manifest that the English Papists are declared Enemies to Her Royal Highness Right in this Case between her and the pretended Prince of Wales, and therefore by the Laws of England they cannot be Witnesses of the fact in question, neither ought their Testimonies therein to be offered to the Kingdom to Delude the People.

The Civil Laws so fully concurs with our Common Laws in rejecting Enemies to be Witnesses in the cause of their Enemy, that it denies to give credit to what they may testify in the cause of their Enemy with their dying Breath after they have received the Eucharist, that is the General Conclusion of the Drs. of that Civil Law, *Inimicus etiam si in articulo mortis constitutus, & accepisset Eucharistiam repellitur a testimonio causa sui inimici.* We mention this chiefly to shew, that 'tis not only by our English Laws that our Papists are rejected from being Witnesses of this Birth of this pretended Prince against her Royal Hfs. but by the antient approved Rules of the Civil Laws that they generally acknowledg, and by the Judgment of their own Doctors.

Hercin are only set forth to Your Hfs. the Laws of England, that you may justly insist upon as your Right to prevent the Church of Romes conspiracies against you: we reflect not on the credit or truth of any Roman Catholick Lords, or others, in giving their Testimonies in Mates of private Interests, wherein

the cause of their Church is not in question; and the Laws of their Church bind them not to either party; but since they are bound in this case to be enemies to her Royal Highness, our Law will not allow them to be believed to her prejudice, and they must openly renounce that common Honesty to which they pretend if they offer themselves to the Kingdom to be competent Witnesses against her in behalf of this pretended Prince, when they are conscious to themselves, that not only our Laws but natural Justice and Equity abhors such a practice.

We must say with all due reverence, and most humble submission, that Our Laws will not allow that the Declaration, or Testimony of his Majesty, or the Queen should be accepted, and believed in this case as lawful proof, that this pretended Prince was born of the Queen; 'tis sufficient for us, that our Laws will not suffer our Kings to descend into the Place of Witness, they will not admit them to testify their own knowledge of the facts in any case whatsoever Criminal or Civil; but there is abundant reason also from natural Equity and Civil justice that the Kingdom should not receive and rely upon the King's Affirmation about the Birth of this supposed Prince; their Majesties have publickly Espoused his Cause for their own in all respects, and none on Earth, Kings or subjects, may Justly expect, or be suffered to supply the Place of Witness in their own case since Civil Government is established; it they might lawfully be their own proof for their cause, they might as Justly be Judges of their own proofs, which in Consequence would turn up the foundations of Civil Government; one of its chieftest original intentions being to introduce a course of Justice, that none might be their own judges.

We would not speak thus plainly if it were Justly avoidable, we cast no Scandal hereby upon his Majesty, nor any way come near the crime of detraction, we barely relate the Law of England in this case of his Majesties affirmation of the Birth of this pretended Prince, that it hath not the force of legal proof, or of the Testimony of one legal Witness, and his Majesty is obliged in Justice and Honor by his office and oath not to impose upon his subjects to believe, and rely upon his affirmation, or Word, in this case (nor on the Queen's, that's necessarily included in his) he cannot desire the People diffusively to change their ancient customs and Laws to substitute their King's Words, or Assertions in the Room of sworn legal Witnesses to prove the Matters of the Highest moment about the Government.

If the Kingdom should allow the Affirmation of their King to be sufficient to make a lawful Prince of Wales without lucid Witness of his Birth as our Law requires, they should consent to Change the antient Constitution of the English Monarchy, and so destroy the established legal security of their freedom and Estates: The Laws of England in this case are not dissonant from the Laws of other Kingdoms and the most absolute Empires; the Civil Law now received in most Christian Kingdoms, that was so addapted to absolute Government that it was one of its principles, that *principis verbum prolege habendum est*, the word of the Prince was to be taken for a Law; we say, that Law never ascribed absolute credit to the Prince's Assertions of Matters of fact wherein the Subjects Rights were concerned, it passeth for a rule of that Law in such cases, *princeps indistincte non creditur*; the Emperor is not to be believed intirely without limitations and restrictions, in his affirming Matters of fact relating to his Subjects legal Interest and securities.

The learned Doctors in that Law determin, that the Emperors Assertion that a subject hath committed Treason, or Rebellion against him, ought not to be believed, or taken for a proof; they say expressly, *Regi fides non adhibetur si attestatur tales fuisse proditorem*; likewise if he pretends and declares a cause why he deprives any subject, or feudatory of his Interest, he is not to be believed, there must be proof, and the party's Intended to be prejudiced must be cited and heard in their defence.

They Generally resolve, that when a King affirms or attests any thing to the prejudice of another, he is not to be therein believed, especially when his Assertion is for his own advantage, and to the subjects damage, or inconvenience; these are their Words *quando ex assertione principi ipse principaliter sensire commodum & subditum incommodum tam ipsi principi non creditur*.

The Emperor Henry 6. of Germany had a due sense of the Justice and reason of the Law herein about the year 1200. he did not Expect that the People should believe the Assertions of himself, and his Empress Constantia about the Birth of a Prince whom there was a rumor and suspicion that Constantia was past her age of Childebearing, and feigned a great belly; he gave the People plentiful proof by Witnesses more then reason required, he prepared a most publick Place wherein she remained expecting her time of delivery *Ventre Custodito*, with publick watchers, or keepers, that no supposition Child might possibly be Conveyed to her, and there in the sight of the People of the City, and all the Citizens, that would and could possibly approach her (none being Excluded) she brought forth a Prince, that was afterwards chosen Emperor Frederick the 2d.

If it were needful we could shew Your H's. that the Honor and Security of our Royal Family of England with the peace and safety of the Kingdom were intended in the Constitution of our Legal Monarchy in such manner, that the Kings should not have Power at their will to Change the succession, or by any means prevent the descent of the Crown to the next in blood; but if the Kingdom should believe his Majestys Assertion of this supposed Prince's Birth without proof thereof, according to the Laws and Customs of England, the next succession were really and actually thereby put out of the Legal course, and referred to the will of the King, which is in effect to make the Crown patrimonial, whereas by the Laws and Customs of England the right to the Crown descends to the next of Blood, and the Successor is most properly to be titled the Heir of the Kingdom by force of the Kingdom's Laws, and cannot be defeated of the Succession by any Act of the Predecessor; if therefore the King should gain to vast a power by imposing on the People to believe his Assertion of this supposed Prince's Birth, 'tis manifest that natural Justice as well as the Law of

England makes it of no force or effect to the prejudice of her Royal Highness in her Esteem of being the Heireſ apparent of the Crown.

We believe the *Jesuits* and other maintainers of this *supposed Prince* will claim (as is their common practice) against these our Laws, whose force detects and defeats their impostures, they will pretend that 'tis unreasonable to expect a Testimony of his Birth from such Witnesses, and in such manner as are herein described exclusive of all *Roman Catholicks*, but the reason and wisdom of these Laws are irresistible, and its a great Circumstance, shewing their guilt that they are displeased with the Laws that prevent Falsehood and Impostures, and require proofs of Facts as clear as the Sun.

The just and innocent are never offended at any Law, that provide for Truth and Righteousness, they cannot but be conscious to themselves, that it was more easie to have provided such Witnesses as our Laws requires of a *Princes Birth* then to have had such as they provided, that would Counterfeit to be Spectators, and be content (as 'tis now said they were) to see nothing of the Fact of which they were to be published to the Kingdom to have been the knowing Eye Witnesses.

'Tis notorious that the presence of ten of the *Protestant Nobility* of either Sex and other persons of Eminent Quality might have been as easily procured as one of the *Catholicks*, if it had been intended to deale justly and fayrly with the Kingdom, and they know that the Protestants throwout Europe (not the Papists) wanted and desired satisfaction about the *Queens great belly* and her delivery, the suspicions of a *Counterfeite Prince* were strong amongst them, and decryed by all the *Papists*, they knew the Friends and those of Consanguinity with her *Royal Hſ*. were as ready to attend if they had been called as any *Catholick* whatsoever; and they were not ignorant that Custom, Law and *Natural Justice* required, that Convenient notice should have been given to her *Royal Highness* above all others of the Expected time of the *Queens Delivery*, that such *Noble Matrons* as she had thought Necessary might have been sent to have Continually attended near her *Majesty*, and to have been impartial Witnesses of the Birth beyond Exception: they understood the custome of calling *Embassadors* to be present at the *Queens Delivery*, and that a Common fame of a *designed Imposture* was spread in *forraigne Protestant Countrys*, and that there were *Envys* and *Publick Ministers* from some of them, Especially that the *Dutch* had an *Embassador* there, and Expected to have been called: they know that those Provisions for legal, unquestionable proof of the Birth that was pretended, had been no hindrance of the presence, or assistance of as many *Papists* of each Sex as Her *Majesty* had desired, and she might have as intirely depended upon their only help, if it had been her pleasure, as if those lawful Witnesses had not been present.

The *Popish Councils* delude his *Majesty*, if they perswade him that any pleas of *Inadverency*, *Neglect*, or *Ignorance* can satisfy the *Kingdom* instead of the proofs in the Case that the Custom and Laws of *England* require; 'tis a Rule of our Law that none shall make advantage of their own lachez, that is their Failers or neglects of what they ought to have done; less evidence is never to be accepted in our course of Judicature, because the Party concerned was negligent in seeking it, or ignorant, when he might have known his duty.

We presume *Your Highness* in reading this may be satisfyed in the Truth of our first Preliminary Conclusion, which is necessary to be always remembred in order to a just Judgment to be made of this *supposed Prince of Wales*, and of the things proper to be done by *Your Highness*, by reason or occasion of his pretences; we doubt not *Your Highness* will clearly perceive what you may in justice demand of his *Majesty* in the Case, preserving nevertheless a most pious sense of *fillial Duty*.

We may more remember *Your Highness*, that as the case now appears, no acknowledgment of that pretended *Prince* can justly be required of *Your Highness* by his *Majesty*. Its contrary to Justice and our Laws, that her *Royal Highness* should depart from her place and claim of *Heireſ apparent to the Crown*, and resign it to a *Child*, who is not yet lawfully witnessed to have been born of the *Queen*. We therefore put your *Highness* in remembrance of a second Conclusion fit to be premised in this Case as an absolute certainty to be insisted on; that is,

That neither the Laws of *England*, nor any natural or Civil Justice do require of *your Highness* any kind of Testimonies or proofs, that the pretences of this supposed *Prince of Wales* are false and feigned, or that he was not born of the *Queen*.

Whosoever claims to be the natural and legitimate Son of any Family, its wholly and solely incumbent on him, to prove it by the *Laws* and *Customs* of all *Civil Governments*, and by the manifest Light of Nature; those two Rules of the Civil Law are adopted by all Countries into their courses of Judicature, *Qualem quis se facit, profundamento intentionis sua talem se debet probare*; and, *Filius qui petit hereditatem tanquam filius debet probare filiationem*; if Sonship or other quality or relation be the ground of a demand, that Foundation must be always proved by the demandant; if he that pretends to be Heir by his Birth to any inheritance, fays of such sufficient Witnesses as the respective Laws of Countries require to prove his proximity of Blood, there needs no Testimony on the part of those that deny his Linial Descent. The Course of the Law of *England* is known to most *Englishmen* in the Tryal of all claims by Birth; the claimant is always put to prove all that he sets forth of his Descent in his Declaration, and the least defect of proof is fatal to his process if the Defendant perceives the plaintif to want sufficient legal Testimony of his Descent and Birth, he never troubles the Court with proofs on his behalf, 'tis enough for him that denies the *Descent pretended*, to shew the insufficiency of the Witnesses and their Testimony produced to prove it.

Your Highness is not obliged either by our Laws or Natural Justice, to have Witnesses to prove the pretended *Prince of Wales* to be an *Imposture*, *Her Royal Highness* having been the legal acknowledged

Heires apparent of the *Crown*. Unless such *Lawful Witnesses* that he was born of the *Queen*, were known and published as did satisfy the *Kingdom*, neither your *Highness* nor any *Princes* or *States* may in justice acknowledg his pretences, her *Royal Highness* ought to remain in the esteem of the *Kingdom*, and of all *Princes* and *States* as the *Heyres apparent* of the *Crown*, at least until a *Prince* shall be legally known and declared; and 'tis a manifest wrong to your *Highness*, to the *Kingdom*, and to all the *Protestants* Interest, to suffer this *supposed Prince* silently and submissively without publick Complaint of the wrong, to assume the Name of *Prince* and *Heir apparent* to the *Crown*.

When the *Popish League* endeavoured to set aside the claim of your *Highness's Ancestor Henry 4.* to the *Crown of France*, and proclaimed the *Cardinal of Bulloign* to be *King*, he sent Agents to the *Pope* (tho he was then a *Protestant*) and to all the *Princes* and *States* of *Christendom*, to manifest himself to be the right *lawful Heir* of that *Crown*, and the *Venetian State* (to his vast advantage) contested it with the *Popes Nunio* that they ought so to acknowledg him because it appeared that he was the right *Heir*.

His Right indeed was to be *King* in *possession*, but there is the like reason and justice to support her Royal Highness Title to the *Crown in Reversion*, since another is set up, and declared throughout the *World* to be the right *Heir* of it, immediately after his now *Majesty*. 'Tis undoubtedly just and reasonable for her to demand, and expect, that the pretenders Birth (so much and so justly suspected) should be made manifest to the *Kingdom* by *Witnesses*, without exception according to the *Law* and *Custom* of *England* and to *natural Equity*.

It may be of dangerous consequence, to suffer a false Opinion of him in the *Kingdom*, and the *World*, to gain strength by time, and neglect: yet neither *Law* nor *Equity* puts any burden of proof in the *Case* upon Your *Highness*: 'tis only incumbent upon Your *Highness*, to declare the wrong to your *Selues* and the *Kingdom* by the *pretended Prince*, and to take care that no illegal imperfect or fallacious *Testimony* in the *Case* be invented or obtruded upon your selves and the *Kingdom* to support his pretences, her Royal Highness claim and right to be the next in *Reversion* after his now *Majesty* in the legal descent of the *Crown*, ought to stand unshaken, and unquestionable in the Judgment of our *Law* and the *Kingdom*, notwithstanding any thing to the contrary, that hath been hitherto lawfully published or declared.

We cannot doubt, but 'tis here made manifest that your *Highness* publick refusal to acknowledg this *pretended Prince of Wales* may be built upon such sure Foundations of *Law* and *Justice* as can never be overthrown, we would not therefore trouble your *Highness*, with all the Circumstances of the *Case* which we have remarked in our Observations, that make it to us not only *improbable*, but *incredible*, that he was born of the *Queen*. Since 'tis not possible for us to send *Witnesses* personally to prove to Your *Highness* every circumstance that we have noted, and 'tis not just that Your *Highness* should take them up upon unknown Authority, since we cannot in prudence subscribe our Names to this *Memorial*, nor so much as the Names of our *Witnesses* to the *Facts*, since the *Proof* of the *Circumstances* can never be a Foundation of positive unquestionable certainty, but can only serve to make the *Falsehood* and *Jesuitical contrivance* in this *Imposture* more infamous and odious; since 'tis undoubtedly Your *Highness* Interest never to depart from the manifest Principles of *Law* and *Justice*, which put it wholly and entirely upon the *Maintainers* of the *supposed Prince* to prove him to be such as they pretend with the highest human certainty that can be acquired by *Witnesses*, and to the *Kingdom's* full Satisfaction.

And since 'tis notoriously known that above all others of the *Roman Church*, the *Jesuites* (which in this matter will most earnestly contend against Your *Highness*) have the greatest effronted Confidence to deny and fortify Matters of Fact however certainly proved and known, and they would be glad to have any thing offered in this *Case* that might give them room, or a possibility for dispute and seeming doubtfulness of *Fact*, that they might obscure the *Truth*, and deceive some of the People with their *Equivocal Affirmation* and *impertinent Cavills* at Your *Highness* *Witnesses*, or their *Testimonies* and their bold asseverations of *Falsehoods*.

Upon all these Considerations we shall restrain from the relation of many very pregnant Circumstances that we had collected, which if they were taken jointly in their natural Order and due Connexion, would by their united force strongly induce impartial Judges to conclude, that the *Queen* could not be the Mother of the *supposed Prince*.

We could give very great circumstantial assurances to Your *Highness*, that there never was or appeared to be any reasonable natural Grounds for a belief that her *Majesty* had conceived a *Child*. She never had the first *most natural, known, and common sign of Conception*; her *menses profluviun*, or *Termes*, continued their usual uncertain Course as formerly during the whole time of her *pretended great belly*; She did not conceal that it was with her after that manner of Women in her journey to *Bath*, nor that they continued some days after the King left her there; and all the industry used afterward to hide them in their *Seasons*, proved ineffectual, because those things come to the knowledg of more then were made privy to the whole *Imposture* designed.

Her *Majesty* having not that *natural Sign* of her *Termes* stopping, whereby Women usually conclude themselves to have conceived, from whence She could make a reckoning, it seems by the *Kings Speech in Council*, that Their *Majestys* had both thought fit to publish her *Conception* to have been at the time of the *Prefent* made to the *Lady's Image at Loretta*, upon the *Kings return to the Queen at Bath*.

It was then too soon for them to be provided of a *supposition Child*, and so might name any time they pleased of her *Conception*, and then seek for a *Child* that might agree with it, and it appeared pious and great to make her *Conception* one of the Miracles of the *Lady's Image*, tho it happened *Unluckily* afterward, that they could not make the times of her *Conception* and *supposed delivery* to agree with natures most constant time of nine *Months*.

The

The Confidants and Advisors about the Imposure hearing the voice of Common Fame upon the King's Declaring when the supposed new born Child was shewn, that he had now a Son a strong and lively Prince, the meanest child bearing Woman that were disinterested, saying thereupon in mockery, that such a child of about Eight Months was as great a Miracle as the Queens Conception had been reported; we say, the Confidants fearing it might make the whole story less credible and help to detect the fraud, they have perwaded her Majesty to declare that she had miscounted the time of her Conceiving the Child, and that she knew very well, that she was with Child before her use of the Bath, by this new reckoning they thought that it might be affirmed, that the Child was born at his due time, and might be strong, and lively, as his Majesty had sayd, and they thought, it an easy sham to say Women misreckoned very often.

But, it was unhappily forgotten that her Majesty had continued and expressly affirmed her first reckoning several weeks after her pretended delivery; it was forgotten that it was known sufficiently that her Majesty had her Termes in her Journey to Bath, and four days after the Kings going from thence, which was a manifest proof that there was then no Conception; it was not considered that if it be truth that the Queen knew her self to have then conceived as she hath lately declared; then it cannot be a misreckoning, and the meanest Phisitian she had at Bath would have told her, that if she had imagined a conception as she now says, Bathing would probably destroy the Embrio.

It was not well remembred how the King had declared with her Majestys privity the miracle of the time of her conceiving quite inconsistent with her now account, neither was it thought of in the now Council, how her Majestys truth and Honor should be saved in her contrary Stories, of the time of her conceiving even since her supposed delivery; but we need not mention that, since the world knows how little regard the Jesuite Confessors have to truth.

Her Majesty shewed no grounds to believe her pregnancy by nature's progresse there in the Common natural signes, that in four Months follow in every Woman, that hath a Child in her womb, were wholly wanting in her Majesty, there was no swelling, or increase of the usual proportion of her Breasts, nor was there any milk ever seen to be in them (tho one Lady took the Confidence once to affirm it) the proportion of them was visibly the same to the Eyes of all that can be lawfully Witnesses, and were usually in her presence, and none of those Ladies proper to be Witnesses could ever obtaine the satisfaction to see a drop of milk from her breasts, tho it had been her Majestys Honor, Interest, and pleasure to have shewed it if there had been any reality in the pretence of her pregnancy.

We put this Circumstance into our memorial not without some Mirth in our meeting, because one of our company sayd, he was now sure that neither her Majestys Phisitians nor the Jesuites were natural Philosophers, they might (sayd he) with very little arts have caused the Queens Breasts at her age to have swelled with milk so plentifully that she might have easily milked it forth in quantity in the sight of the Prince of Denmark and all the Protestant Ladies of the court, it may be done (sayd he) in rational, or animal Creatures, and he gave us instances of undoubted credit wherein it had been done to his knowledge and a Child suckled, and to divert us he offered to shew it in an animal, he having also tried that Experiment, and thereby milked out the milk from a young Creatures Udder that had never been with young; another of the Company said merily, it that were so Easy an artifice, he wondred that the Romish Priests had not learned it, since tis known to the world that they have long had the Art of keeping the Virgin Marys milk above 1600 Years, and of multiplying the quantity of it from Horse Loads to Cart Loads to disperse among their credulous vulgar.

We humbly pray your Highnesses Pardon that we seem herein less serious than so great a Matter requires, we speak only the words of truth and soberneſſ, but the comical tricks of the Romish Priests (that commonly End in tragedy) force us to represent them as they deserve.

Theres another known sign and Testimony of a Woman's pregnancy, that is, the sensible stirring of the Child in the womb, that was expected her Majesty should have shewn to the Ladies with joy, especially to those Protestant Ladies of her bed Chamber, that doubted (with the Protestant Dr. her then Phisitian) her being with Child, as far as they durst (when the quickening of a Child in her womb was pretended, and published throughout the Kingdom; it had been a pleasure to her Majesty, and no trouble (if it had been Real without deceipt) to have shewn the motion of a Child in her womb to honorable Matrons of her Bedchamber, that might have been in all respects lawful Witnesses of that truth to the Justly Jealous Kingdom; these might have touched her belly, and had been proper Judges from their Experience of the true motions of an infant in the womb, and some of Consanguinity to the Heyrels apparent might have been admitted to that favour as our Laws and common prudence directed for removing the causes of Jealousy; but however industriously her Majestys quickening with Child was spread abroad, yet the feeling of its motions was never vouch safed to any competent Witness of it, to give the suspitious Kingdom a ground to believe, that she was with Child.

The next visible and manifest sign of the true natural progres of a great belly, is the distension of all the parts of the Body, that incircles and imcompasleth the womb, such is the Place and manner wherein nature hath prepared the lodging of the growing Child in the womb, that according to its growth, and increase, and the quantity of liquors, that are there naturally and necessarily congested there, so are all the Circumambient parts gradually extended, and enlarged to make roome; there never was nor naturally can be an Extention only of the Peritonem the Rimm of the belly to give room to the Child, all Naturallists and Anoramists know that if in that manner no Child could keep its natural ſite in the womb nor be born alive.

All men and Women, that ever obſerved Women great with Child, know that all the Parts that inclose the cavity ſwell until the time of their delivery approach, but this natural necessary sign of pregnancy fo intirely

tirely fayled in her *Majesty*, that skilful spectators of both sexes wondered, that better arts were not used to make that visiblie sign, and appearance of the growth of a Child in her womb; we were satisfied by skilful *Matrons* of great Experience, that attended on purpose to observe her *Majesty* Exactly, that all the outward Parts of her Body, that incompaſſe the womb were of the same proportion that they were at other times, save only her belly which was exceedingly copped up, and high, that shewd like a great bellied Woman to them that looked upon her *Majesty* before; but sayd they, when we saw her *Majesty* walking, and looked upon her behind, and on each side, we saw not the least appearance in her of a great bellied Woman, we took care to have the fashion of her *Majestys* Body observed by skilful Women at several periods of time during her supposed pregnancy, and once a very ſhort time before her pretended *Delivery*, and we had always the ſame accownt, we have heare faithfully given Your Highneſſ.

We compared this Circumſtance with another that we had marked, whereof we had from time to time full assurance during all the four laſt Months time of her *Majestys* ſuppoſed being with Child, those being the Months wherein uſually all the circumambient parts of the Womb I well moſt, we were every well informed that in all theſe Months Her *Majesty*, contrary to her former uſual course, always withdrew from her Chamber, and retired into her Cabinet or ſome other private room, with two or three *Italians*, when She changed her Linnen, and would never permit any one of the *Protestant Ladys* of the Bedchamber to ſee her change her Linnen, as they had conſtantly don.

Thole two circumſtances explained each other, and plainly shewd that the natural naked and true ſhape of her *Majestys* Body, as it was then, was not to be ſeen by thoſe that were not of the Confederacy in the intended Impoſture; thoſe that were only capable of being lawful Witneſles for her *Majesty* againſt common Fame (if Fame had belyd her) thoſe were all excluded from a poſſibility of ſeeing whether her belly was truly and naturally great, and a few forraigners of no Quality were only to keep the ſecret of what Her *Majesty* was to make the copling belly.

Nothing can be more maniſt than it is by all theſe Circumſtances taken as they ought in connexiōn each with other, that there hath nothing appeared of the natural plainneſſ and ſimplicity that always accompany truth in the whole Demeanor of her *Majesty* from the time of her pretended Conceiving a Child to the very time of her feigned delivery of this ſuppoſed Prince of Wales; all that hath been acted in the matter, hath plainly imported Trick and Design to hide and Smother Natures Works, that ought to have been moſt freely expoſed to the whole World, if there had been any truth in the pretences that could have born the Light, we may ſecurely affirme to your Highneſſ, that in all the eight Months and four Days firſt reckoned to have been the time of Her *Majestys* Pregnancy, or from the time of her going to Bath in the new Reckoning, there never hath been any of theſe conitant natural ſigns in her *Majesty* that could afford to any understanding Man or Woman a ground to believe that She conceived a Child.

The progress towards finishing the intended Impoſture of this Prince of Wales hath been anſwerable to its beginning. In the preparation for her *Majestys* ſuppoſed Deilvery there hath been no regard to the rules of natural Equity or Law, or common prudence, nor any appearance of that open Freedom and naturally plain proceeding that ought to have ſhewn that they did not fear the Kingdom, or the World knowing the Truth of all that ſhould be done in that pretended natural work of Bearing a Child, wherein the whole Kingdom, and ſo much of the World was concerned; if the Customs and Laws of England, or natural Equity had been conſulted in the Circumſtances of the Case about the preparations needful for Her *Majestys* Expected Delivery of a Prince, the firſt of all Adiſes had certainly been to give early Notice to your Highneſſ and to others in the neareſt poſſibility or expeſtance of ſucceeding to the Crown of the time of her expected Traveland Deliverance of a Prince, and of the place of her reſidence at ſuch time. That proper *Noble Matrons*, and others, might have prepared themſelves, and attended there, and have been preſent in their behalf, which might have ſuppreſſed and ſilenced forever by their Testimoniies all ſuſpitions of Fraud or Impoſture.

But 'tis not only undeniablie, that no ſuſtice was given either to Her Royal Highneſſ or to any of Conſanguinity with her, nor to any other of the *Noble Matrons* of England, but ſuſtice were uſed as might moſt conceal the time and intended Place of her pretended Travel, ſuch feigned time of her ſuppoſed Conception was published by the King and Queen, that neither her Royal Highneſſ nor any of the Nobility could poſſibly foreſee the time when the Comedy that is now laid to have been acted was to begin.

The Place where Her *Majesty* was intended to live in was kept in ſuch uncertainty, and often published ſo variouſly, ſometimes that it ſhould be at Richmond, ſometimes at Windsor, another time at Hamptoncourt, that none of the *Nobles* of either Sex, that were of the Kindred and Friends of the Heir apparent, nor of the *Protestant Nobility*, could know how to prepare themſelves for attendance on Her *Majesty*, as was their duty to Their *Majestys*, Her Royal Highneſſ, and the Kingdom.

As the Publicatiōn of the Place was often changed, as if a ſurprise in the Place was deſigned, ſo at laſt ſuch a ſudden and ſeeming hafy Reſolution was taken a day or two before her pretended Delivery, that her lyng in ſhould be at St. James's, tho' none expected the time to be near by above three Weeks, that Commands were given for preparing her Lodgings there ſo hafily, that when Her *Majesty* laid on the Fryday, She would ly there on Saturday, and it was told her it was not poſſible her Lodgings ſhould be ready, She then ſaid, She would lie there on the floor.

It was hoped by all the *Protestants* that the *Princess of Denmark*, would have been a faithful watcher for her owne ſake, when the time of her *Majestys* delivery of her great belly ſhould come; thoſe that had not been able, or ſhe durſt not give them advice of the occurrences in the time of her *Majestys* ſuppoſed pregnancy, it was thought that ſhe could not be avoyded but ſhe would be preſent to ſee what was brought forth, whether any thing or nothing; but care was taken, that adiſe ſhould be given her when ſhe wanted aſtrigent Me- decine, ſpared were in the Birth what were ſleep, were

decins to go to the loosening waters of the Bath, to keep her four score miles distant till the pretended Prince should be born.

At the first Notice we had of her *Majestys passionate Declaration*, that She would lye at *St. James's* on the *Saturday Night*, we could not conjecture that there was to be a pretended Prince brought forth on the *Sunday*, nor was there any Wispers of it, or the least natural Feigned or Counterfeit sign of forerunning Pains of a Woman, whose times of Travel approacheth. *Her Majesty* was late in the Night at *Cards*, and no appearance of an indisposition then, nor is any pretended to have been in the Night, but we learned by the Event on the *Sunday* the reason of Her *Majestys* fixed and immovable Resolution to lie at *Saint James's* on the *Saturday Night*, she was to seem to bring forth a Prince on the *Sunday*.

There was a cunning contrivance to chuse a fit time of that day, it was to be between the hours of nine and ten in the morning, that all or most of the Protestant Ladies might be at *Church*, and the Trick be over before their return, and that the Midwife *Mrs. Labany*, and the Favorite *Mrs. Tourain*, might have Freedom and Secrecy as they had to act their Parts in the bringing forth of a *suppositions Prince*.

The Room also that was chosen, wherein the *Trick* was to be acted, was fit for the purpose, and contrary to the Rules of *Common Prudence* to be chosen in a Cafe suspected for setting up a *suppositions Child*, and ought to have been avoided, if their meaning had been just and good; there was a private door within the Ruel of the Bed, into a Room, from whence a Child might be secretly brought, and put into the Bed, unseen by any that should attend in the *Queens Room*, tho at the feet of the Bed (none of them coming into the Ruel) and by that Dore the three Confidants, the Midwife *Mrs. Labany* and *Mrs. Tourain* brought into her *Majesties* Bed what they pleased unseen.

If they had wanted no secrete conveyance by that Door, common prudence required that they had nailed or sealed it up to avoid Confirming and Increasing the *Kingdoms just and known Jealousies* of imposing upon them a *Counterfeit Prince*, when it should be known, that there was such secret ways as made it so easy to be done by Confederation, undiscerned by others that were in the Room; but it appeared by the Event that the privy Door was so necessary for the *designed Imposture*, that all the transactions of it were managed by that Door, as is well known to all those Lords of the Council that were brought for a shew, not to see any thing that was done, but only to be seen in the Bed-Chamber with His *Majesty*, that their Names might be published to the People, as if they had been Witnesses of the *Queen*, being delivered of this pretended Prince.

The Civil Laws provided as a Rule of Common natural Equity, that when a Woman was to be delivered of a *Posthumous Child*, that might defcat another appearing Heir, that the Chamber wherein she was to be delivered should have but one Door, and if there were more that they should be sealed up with the Seales of both Parties, and that keepers should be set at the single Door, and no Woman suffered to enter until she was searched in all kinds, that no Child might be conveyed to the Woman in her real or supposed Travel; and tho' we have no express Statute that gives direction in such Cases, yet our Common Law abhors all appearance of Fraud about Inheritances, and hath appointed twelve of the most able Neighbours to judg of all the Signs and Appearances of Fraud, and setting up Counterfeit Heirs, who may also judg upon presumptive Evidence, and reject any pretended Heir, where they see signs of Fraud and Impolture whereupon to ground their Judgment, and every one must at his peril take care that there be no grounds of suspition given of a supposititious Heir.

We have faithfully shewed Your Highness what were the Preparations for her *Majesties* supposed time of Travel, wherein there appeared no Marks of an Intension to deal uprightly and openly with her Royal Highness as Heiress apparent of the *Crown*, and with the Subjects of the *Kingdom*, nor was there any natural signs that *Her Majesty* really feared or expected the common Sorrows, Pains and Danger of a Woman in Travel, or made any surable provisions.

We cannot learn, that there was in readiness so much as the usual *Instruments of Midwives* whereupon they commonly place all Women of quality in their time of Travel, that such Assistance may be given them by the *Matrons* and *Midwives*, as is not possible to be given on their knees, which is the Common posture of meaner Women, and least of all, as they lye in their Bed, which is seldom used until the length of the Travel, and Fainlurs of strength enforce it. There being many natural Reasons for the Posture of the Womans Bodys helping them in their Travel.

Amongst other surable Provisions, it had been certainly fit that a *Colledg of Physitians* had been called to attend somewhere near to *Her Majesty*, if She had not known there could be no need of them, and she being sure there could be no hour of danger to her self in a feigned Travel, nor any sudden need of *Physitians* Advice, or help to a strong lively *supposed Prince*, that was intended then to be brought forth.

As all the Preparations for her *Majesties* supposed time of Travel discovered to knowing and observing people that there was no reality in her pretences made of a great Belly, so the *Fiction and Fraud* was made more manifest when the *Trick* came to be acted.

Her Majesty lying in Bed with all the Curtains round, close drawn, all that was provided belonging naturally to a Child, and intended to be used by them, in their bringing forth the *suppositions Prince*, being prepared and ready within the inner Chamber, then *Her Majestys* feigned Travel began, and all these things were by the help of the Midwife, *Mrs. Labany* and *Mrs. Tourain* the Confederates brought throw the Door, an the Wall by the *Queens Bed*, and put between her Sheets, that is, a Child, and all that naturally attends a Birth, then the Midwife and the Confidants seemed very busv about *her Majesty* in the Dark, none seeing what they did, and being afraid, as appeared by the *Midwives Words*, that the Child, which was prepared to sleep, to prevent its crying before it was got into the Bed, should be stifled by the Closenes of the Bed, they were forced to hasten the *Queens* pretended *Delivery* evn beyond what was reasonably to be believed, notwithstanding

withstanding all that could be laid of the *Lady of Loretta*, or any other Saint's Assistance, therefore the Queen's supposed deliverance was in very short time.

But nothing appeared in Her Majesty like the real natural Travel of a Woman in Child bearing, there were none of the usual natural signs in Her Majesty of being in real Travel, which cannot be hidden, there was no appearance of an approaching Travel by various intermitting pangs usually very great by the Infants strugling to free it self of the Womb, no shew of the pains naturally and gradually increasing, as more of the Ligatures came to be broken, or rent, whereby every Infant is safely retained in the Womb, until its full growth and appointed time, there were no Signs of Her Majesties known Weakness in Bearing such pangs in her state of Body, debilitated with long lingring Infirmities, there were no signs of a violent Eruption of an untimely Birth from the Womb of eighth Months and four days, as Her Majesty then reported it to have been.

All that was to be feigned was suddenly dispatched, and the Midwife delivered something close covered to Mrs. Labanye which could be nothing but the Child they had put in, and went with it together through the Privy doore in the Ruel of the bed into the next Room in so great hast, that it was not considered how playnely it might discover that it was a meer feigned counterfeit travel of the Queen if the Midwife durst quit her attending, and assisting her Majesty in these moments, when there was the greatest Necessity of her skill, and assistance in her Office, and the most Extreme danger of her Majesties Life by any neglect of her if she had really brought forth any Child, as they were obliged to pretend.

Instead of faire open freedom in shewing that the Queen was really delivered of a Prince, which our Customs and Laws and natural Equity required, that all those works of nature might have been seen, and Testified by noble Matrons; their pretended Birth of a Prince, and all that they did about it was done in the dark, with the Curtaines close drawne round about the bed, and under the Coverings of it, and none of either sexe Permitted to see any thing done about her Majesty, or her supposed Child save only the confederates, no others of those in the bed Chamber, that drew as near as they might, were suffered to see what was taken out of the bed, being somthing wholly covered, and immediately carried away by the private doore.

All hearkned after the common, and most constant natural signe of the Birth of a living Child, that is, its crying, but we are fully assured from divers Lords of the Council, and others that were in the bed Chamber, that the crying of a Child was heard by none there when the pretence was that a Child was borne, thô the Midwif would not at first say it was a Prince.

We have related to Your Highnesses no Circumstances but such as are notoriously known, or could be judicially proved before any impartial court of judicature, and therefore we will not offer to Your Hs. those Conjectures (tho we have them from good hands) of what was acted about the pretended Prince in the room from whence he was brought and to which he was caried before the Lords of the Council, or any others were told, that there was a Prince born, but we have it of certanity from those that were present, that during the whole fictitious travel of the Queen, and a considerable time after it, his Majesty kept those Lords of the Council, that were called, not far from the feet of her Majesties bed, that was close shut up, and they neither saw nor heard any theing about the Birth of the supposed Prince whereof they can be lawful Witnesses to the Kingdom, yet the actors of this whole Imposture had the confidence to publish forth-with to the Kingdom by authority, that those Lords and many Ladys of Quality were present at the Queen's delivery of a Prince, equivocating therein like the Jesuites, and falsely intinuating to the People, that those Lords, and many Matrons of the Nobility had been such ocular Witnesses as our Laws require of the Queen being delivered of a Prince, whereas in truth all that were not of the Confederacy wayted to no more purpose then if they had been ten miles off her bed Chamber.

After long waiting his Majesty left them, and retired into the inner room where was Mrs. Laban and the confidents with the supposed Prince, and it was soone after sayd to the Lords, that a Prince being borne there was no more need of them, whereupon several of them went away, and whatsoever was done in shewing a Child to those that stayd, was not worthy of our inquiry since it could be of no use to Yours Highnes or the Kingdom.

Yet we carefully observed and inquired after the Queen's supposed deliverance of a Prince, whether there were any natural demonstrable signes in her Majesty that she had newly borne a Child that had broke it way by Violence into the world before natures time as she then affirmed, some of us know well the usual and Necessary consequences of such force upon Nature in Women of such tenderness, and weakness as her Majesties, we Expected to have heard of her great weakness, and danger of her life by a feaver the Commonly attends, such untimely Births, we inquired after the danger of her Majesties breasts by the usual redundancy of milk, because one had reported so long before that she had plenty of it in her breasts we employed Proper persons so aske what Woman had the Honor to draw her breasts, or whether any applications were made to her breasts to repel, or drye the milk, and also to aske after the good progresse of her Majesty in the natural Cleansing that follows Child bearing, and of her strength in bearing these unavoidable consequences whereby all Women of her Majesties tenderness, and weakness are greatly debilitated, but we could never learne by our most diligent inquiry that there was any appearance of these natural Effects of Child-bearing, thô a good Dr. skil might have easily feigned all those to the delusion of all about her Majesties court.

We have now given Your Highnes an abstract of many of the Circumstances whith we had Collected in this affair, and must freely affirm, that we cannot observe from the beginning to the end of it on

footstep of sincere playness, all that hath been done therefrom the Queen's pretended Conception to her supposed Delivery of a Prince, hath shewed desires, and intentions to bide the truth of those natural things which they were obliged by the Laws of England, by natural Justice, and by their own Honor and Interest to have made demonstrable or proveable by sufficient Witnesses to all the Kingdom, if there had been truth in their pretences.

There hath been such a total neglect, slighting and disregard of all the necessary rules of Law and Justice about needful Witnesses of the Birth of a Prince and Heyre to the Crowne (when they knew that most of the Kingdom suspected their setting up a Counterfeit) that it looks like a contempt of Your Highness and the whole Kingdom, as if no satisfaction were due to her R. Highness in her admission of an heyre to the Crowne before her, nor to the Kingdom in their acknowledgement of a Prince to be the next successor to the Crown.

The most modest Judgment we can make of it, is to think that a blind zeale (always nourish'd by the Romish Church) to settle a Popish Successor, hath made them break through all the rules of righteousness and stifle and extinguish all the natural affections of a Father to a Child, to do a service to their Church that is by their Doctrine so meritorious.

Yours Highness will the better Consider all these circumstances mentioned if you will please to call to mind the occasion and time when this design was first resolved to set up a Prince to bar her R. Hs. of the immediate succession to the Crown.

Be pleased to remember that tis before observed, that the going to the Bath, and the visit to St. M^r nifred's Well, and the Present made to the Lady were preparations for a report of the Queen's being with Child, and were all concluded upon about the end of August and beginning of Septemb. 1687, and then was your Highness compliance with the Popish designe despayred.

The abstract of Mr. Stewards Letters to Mijn Heer Fagel, which we just now find printed, confirms all our memorials in that Matter. He was Pardoned and chosen by the King to have perswaded you Highness to a consent that the Penal Laws and Test should be repeal'd which had been a full establishment of Popery, in his two first Letters of July he seeks to perswade your Hs. that the King was resolved to preserve, and observe the true right of Succession to the Crowne, and was very delirous of your Hs. consent and concurrence in his design, and troubled to find them so averse from it: in his next Letters of the same July he presseth that your Highness should have been disposed to hearken to a well chosen informer to be sent by his Majesty to perwade your concurrence with him, and he presseth extreamly for a hasty Answer, the new Councils for setting up a Supposititious Prince seem then to have been begun,

That Letter seems to threaten what we now see if your Highness refused; he doubled his assurances to him that was to sollicit your Highness that if you were oblitinate (as they call it) it will be fatal to the dissenters, and be feared productive of its yet unheard off: and his Letter of August. 5. seems to give your Highness your last time to chuse the Settlement of Popery, or to resolve to be true to the Protestant Religion.

He says, if your Highness did what was desired by the King, it was the best service to the Protestants, the highest obligation on his Majesty and the greatest advancement of your own interest, that you could think on; but if not, then all is contrary. There can be no other meaning, in saying if your Highnesses refused, all is contrary, save only this. that the Protestants should then have no Mercy from the Papists; His Majesty would be so offended that he would become your Highness's Enemy; and it would be the losse of your Highness's greatest Interest, that you can think on, which certainly could be no other then the just expectancy of the three Kingdoms.

As these Letters threaten that the K. would destroy your Highness's greatest Interest if you refused, so the attempt of it soon after appeared.

Its now known that in September and October the Resolutions were taken to publish that the Queen was with Child, but before it was publickly declared, that is October 8. Mr. Steward says, he would use no more Arguments to your Hs. but he then laments Your Highnesses loss of the time of compliance: Alas, said he, that Providence should not be understood. Then in Novbr. he speaks more plainly notwithstanding your Hs. moderation towards the Papists and their Liberty was shewn by Mijn Heer Fagel's Letter, he says that all hope of your Hs. concurrence in the Kings design was quite given over, and men were become as cold in it there as your Hs. were positive here: and upon his new Conference with the King, he not only shews the Kings dislike of that Letter, but says expressly, That your Hs. answer was too long delayd, and that the King was quite over that matter. There can be no other reasonable Construction of this, then that the King had then resolved of another way to prosecute the Popish Design, and time hath now shewn and proved to the World that the way resolved on was to set up this Supposititious Prince for a Popish Successor.

These Letters by the help of time shew the design when it was in Embrio, and helps to make a Judgment upon all the other Circumstances that we have mentioned; and no doubt if an Evidence made up of all the Circumstances we have mentioned, in their Order and Connexion were given to any impartial Judges, it would be judged as strong a presumptive Evidence as ever was given, and in the proceedings of our Laws against Criminals, Judgment hath passed against the lives of many upon far less Evidence, this being as full as the matter of the thing can possibly suffer in your Hs. and the Kingdoms Case.

But notwithstanding this Sort of Circumstantial Evidence be sufficiently forcible and convincing to disinterested persons, to prove this supposed Prince to be an Impostor, and it may be more Circumstances of the same nature are known to Your Highness, yet we must humbly pray Your Highness to wave insisting upon any

of them, as entirely, as if you could neither prove nor know more about this pretended Prince then common Fame hath proclaimed without Contradiction.

It no ways belongs to Your Highnesses, nor to the Kingdom, to prove the *Falsehood of his pretences*, or any Circumstance about his Birth, and it would be very prejudicial for Your Highness, to take upon you the burden of producing Witnesses and proofs, and admitting Your Highnes Adversaries to dispute their force and sufficiency, when it belongs to them wholly and only, to bring forth such lawful Witnesses in due numbers as may satisfy your Highness and the Kingdom of the Truth of their Pretences; and 'tis an infinite wrong to your Highness and the Kingdom, that they have not done it long since, if there had been a true Prince born of the Queen.

Since 'tis the Kingdoms great concern as well as your Highness's, weare the bolder to propose that the Method of defence against the publick injury be made according to the known Laws and Customs of England; that is, That an open free demand be made in the name of her R. Hs. as Heires apparent of the Crown, and in behalf of all the People of the Realm, that there be forthwith declared and published to the Kingdom a sufficient Number for this Cale, of lawful Witnesses of either Sex, such as the *Laws of England and Natural Justice* require in the Cale, who do testify, that according to the usual Practice of their respective Sexes at the Birth of Princes, Heirs to Crowns, they were Eye Witnesses that the Child now called the Prince of Wales was naturally born of the Queens Body.

'Tis but just, regular, and modest for your Hs. to make that Demand, and your insisting upon it to be done immediately, without the least delay, and is no more then the Right of your Hs. and the Kingdom, that must be confessed by all that either know the Rules of natural Justice or the *Laws of England*: Our Laws require and Demand an entry to be made upon all Intruders into the Rights or Inheritances of another, there ought to be Legal Interruptions made of all wrongful possessions however obtained. A long permission of an *illegitimate Child* to pass for a *legitimate Heir*, is of dangerous Consequence to the *true Heir* of an inheritance; 'tis a known Rule both in our *English Laws*, and the *Civil Laws*, *Tacens longo tempore presumitur consenserire*, he that remains long without answering any thing to an Intruders claim, seems to allow it.

We crave pardon that we must freely tell your Hs. that it hath been our astonishment that your Hs. have been so long silent, and have deterred to make your just demand, and that you have so long suffered her R. Hs. Chaplins to pray publickly for this *supposed Prince of Wales*.

Your Hs. heart cannot desire the God of truth and righteousness to prosper such an invasion of your own and the Kingdoms rights, nor to *bless the imposture* as such, being set up (tho' an innocent Child) to be a tool in the hands of others to destroy the *Protestant Profession*, your Hs. claims to the greatest inheritance, and the best Civil Government known in the World. We believe your Hs. to be true Christians, that tremble in the Worship and prayers before the Eternal Majesty, and therefore hope such a shew of owning him will not be longer suffered to be acted before the great God that searcheth all the hearts of Princes and Subjects.

If your Hs. shall first make this legal demand propoted, and Satisfaction therein be not given by the maintainers of the *supposed Prince*, without delay, then natural justice and our laws dictate, that your Hs. demand a retraction by the *Publick Ministers* of the King in all Christian Kingdoms and States, of the false news they have Published of the birth of a *Prince of Wales*, and their Vindication of her R. Hs. right apparent to the *next Succession* of the Crown.

When a wrongfull claymer to be heyr of any inheritance cannot prove his true descent, the Court wherein he sues his Clayme, not only rejects and damns his false pretences, but openly declares the Counterfeit tricks or forgerys that they observe to have been attempted to support the false clayme, and our Laws enable the heyr that hath been disturbed, to demand by his action against the false pretender, Satisfaction for the *Scandal of his lawfull title*, and our laws further require his prosecution for justice against all the known confederates in that intended wrong and fraud, for their Several Crimes therein committed.

We are sensible, that most *Catholic* Princes have a prejudice to us in the rights we Clayme as *English Protestants*, not knowing our Laws and Liberties, and we have therefore propoed these two demands to be firt in order made by your Hs. in the behalt of her R. Hs. and the Kingdom, that we might convince them that we have reason and justice according to their own Laws and rules of right to seek your Hs. Protection against the Kings practices (as they yet appear) in forcing us to stoop to a *Counterfeit Prince*, and to change the *Succession* of the Crown and the *whole Government*, Your Hs. having therein a joint concern with us, and our Laws, and nature it self, call upon you to defend your own and the Kingdoms right, to preserve the Succession of the Crown as it is by the Laws established, which the King had no *presence of Power to Change*,

But we must also humbly fly to your Hs. to protect us against the horrible destruction made by the King of all our *Laws* for the Reformation of our *Christian Religion*, and our Security againt the open Professed and mortal Enemies of our Liberties therein, the King having declared to the World, that those *Laws* shall never hereafter be put in Execution; and to make our Cale therein desperate, hath *caused his Judges to justify him in what he hath done*.

We must also pray your Hs. help against his invasion of all our *Civil Rights* and *Fundamental Liberties*, and his utter subversion of the free Government of *England* by its antient Customs and Laws.

We cannot doubt but your Hs. will be convinced by this Memorial that we have not complained of our oppressions until they are become intolerable, nor sought any relief (save from *God alone*) until your Highness

ness justly expected inheritance, and the very being of our Civil Government are in the most extream danger of utter ruin.

We are and have been truly *Loyal* to the King, and never refus'd obedience to any of his legal Commands, or any whatsoever that could conflict with all our other Duties to God and our fellow Subjects. We have been content to suffer personal wrongs and manifest Injustice, and considered the Corruption of Men, that abuses and particular wrongs will happen in all Governments, and ought patiently to be born, whilst the Fundamentals of Civil Government and Justice are Sacredly preserved. Our Christian Charity taught us that 'tis better that a few suffer wrongs, than to hazard for their just relief more effusion of Blood, or other mischiefs then can be recompensed by their obtaining Right. We know the *Jesuites* crafts might have clouded the Justice that might have been demanded in particular cases, and we have therefore staid until the Justice of what we pray, is become demonstrable unto all that are not corruptly and wilfully blind, or led blindfold by the *Jesuites* or their *Romish Priests*.

We are sensible that the King hath used the Name of the *Royal Authority* and prerogative in all the law's powers that he hath exercised, and we durst not pray your Hs. aid against his doings, if there could be reasonably any doubt or question, whether the things he hath done and dayly doth might be authorized by the Royal powers and high prerogatives which belong to the Kings of England.

'Tis most unquestionable, that the *Noble English Monarchy* and *Government* had a legal Foundation, and was and is established upon *Customs*, *Franchises* and *Laws* peculiar to the *English Nation*. It was always free and independent upon all the *Powers* and *Potentates* on Earth; the Kings and the People are, and of right were always free and absolute to bind themselves by their own *Laws*, made by their joint consent, and not otherwise; they could never be bound by any others then themselves, save only by the *Laws* of the *most high God*.

A King of *England* ceaseth to act by the *English Kingly Authority*; or as a King of *England*, if he yield up himself or his Subjects to be bound or subjected to any other *Laws*, *Canons* or *Jurisdictions*, then such as are made or freely received by the mutual agreement of the King and the representative Body of the Realm in *Parliament*.

'Tis declared in the St. 16 R. 2. 5. that the *Crown of England* had been so free at all times, that it hath been a Subjection to no Realm, and that the same ought not in any thing touching the regallity to be submitted to the *Bishop of Rome*, nor the *Laws* and *Statutes* of the Realm to be by him frustrated or defeated at his Will or the perpetual destruction of the Kings Sovereignty, *Crown* and *Regality*, and of all the *Realm*. The Commons then prayed the King, and him required by way of Justice to examin all the *States* of the *Realm* how they would stand to defend the Rights of the *Crown* and the *Realm* against the *Pope*, and it was thereupon ordained, that all that should pursue or bring any *Bulls* or Instruments from *Rome* against the Kings Regality or his *Realm*, should be put out of the Kings Protection, and incur a *premunire*, which as the Law then was made it lawful for any man to kill them.

Likewise the Stat. of 24 H. 8. 12. and 25 H. 8. 21. say, that the *Realm* hath been, and is free from Subjection to mans *Laws*, but only to such as have been devised and made within the same for its own welfar or of their free Liberty received by their consent to them.

The King and *Parliament* neer four hundred yeares since were so resolute to defend the Rights and Freedoms of the *Crown* and the *Realm* against the Imposition of the *Popes Canons* and the *Jurisdictions* and powers which he attempted to exercise, that notwithstanding they were *Papists*, yet they by the Stat. of 18 Ed. 3. St. 1. Rot. *Parliament*. num. 38. declared the *Pope* to be the common Enemy to the King and the *Realm*, and so he stands now declared, and to the like purpose is the *Role Parliament* 17 Ed. 3. num. 59. Tho these statutes are not printed, their force is the same to make them to fall into the Condition of Enemies to the *Kingdom* that correspond with him or his *Nuntio*.

It never was in the Power of any King of *England* to yeeld up or submit the Rights of the *Crown* and the *Realm*, and its *Laws*, *powers* or *Jurisdictions* of any sort against the Will of the *Realm* in *Parliament*, so it was past 500 years since K. H. 6. in his Letter to *Pope Paschal*, *Notum habeat sanctius vestra quod me vivente auxiliante Deo, dignitates & usus regni nostri Angliae non imminuentur, & si ego (quod absit) in tanta me dejecti- neponerem Magnates mei & totus Anglia populus nullo modo pateretur. Be it known (said he) to your holiness, that whilst I live (by Gods assistance) the Authorities and usages of the Kingdom of England shall never be diminished, ut si I would so debase my self (which God forbid) my Nobles and the whole People of England would by no means suffer it.*

King John indeed unworthily surrendered the *Crown* and regallities to *Pope Innocent third*; and his Successors, and the Priest fallely put into that Charter that it was by the consent of his Council of *Barrons*, he submitted to hold the *Kingdom* of the *Pope*, and that by yearly rent again; but when *Pope Gregory the tenth* in the third of Ed. 1. sent for that pretended Rent, that Noble Prince justly answerd, that he was bound by his Oath in his Coronation, to preserve the Rites of the King. See *Roll. Clar. 3. Ed. num. 9*. *Shed* com untouched, and that he could do nothing that concerned the *Crown* without the advice of the people in *Parliament*, which are there called *proceres*.

See *Cooks Inst. fo. 13.*

In the 40 *Edward the Third*, the *Pope* demanded the same Rents, and the King proposed it in *Parliament*, but they declared, that neither *King John* nor any other King had any power to put himself or the *Realm* and people into subjection to the *Pope* without their consent in *Parliament*, and that if it were done by *King John*, it was done contrary to his *Oath* in his *Coronation*, and if the *Pope* attempted any thig thereupon against the King or his Subjects, they would resist him to their utmost power.

The same King *Edward the third* had only negligently suffered the *Popes power* to be too much used in the *Kingdom*, contrary to the Statute of *Carlile* 35 Ed. 1. as appears by the *Parliament Roll* 17. Ed. 3. num. 59. and

and the Commons in Parliament complained that the Treasure of the Realm was transported to Rome, and the Secrets of the Realm discovered by the Foreign Priests sent hither, and they required of the King some Mercy for that they neither could nor would any longer bear those strong oppressions, or else that he would help them to expel out of this Realm the Popes power by force, and thereupon were enacted against many of the Popes powers in this Realm those severe penal laws, of 25 Ed. 3. 27 Ed. 3. 1. 38 Ed. 3, Sta. 2. ch. 1. all which our King hath now declared shall never hereafter be put in Execution.

That Victorious Prince Ed. 3. tho a Papist, yet pretended to no Regal prerogative of suspending the laws made by the Kings and Parliaments against the Pope, he Confesseth in that Statute, of 35 Ed. 1. against the Popes power, that it held its force being not annulled by Parliament, and therefore he was bound by his Oath to see the same kept as a law of the Realm tho that by sufferance and negligence it had been attempted to the Contrary.

If the Effects of the Romish Jurisdictions in the Realm were looked upon as they are related in that 38 Ed. 3. 1. It would be manifest that the King that would put the Kingdom into such a state, Lays aside thereby his Kingly Office and dignity whilst he pursues these intentions; that Statute saith, that by the powers exercised by the Pope and Court of Rome, and the Dependents thereof, the good antient Laws, Customs and Franchises of the Realm were greatly impeached, blemished, and confounded; the Crown abated, the Treasure and Riches of the Realm carried away, the Inhabitants and Subjects of the Realm impoverished and troubled, and the great men and Commons in Bodys and Goods damned; surely there can be no doubt whether the King hath any Royal Prerogative to enable him either to stop the Execution of these Penal Laws that prevent the Kingdom from falling back into such a forlorn Estate, or to attempt by pretence of Liberty of Conscience for the Romish Priests and Emissaries, and their Practices to enable them to work all the mischief they can against those that would save the Kingdom from such Miseries.

Your Highnesses may be absolutely certain, that the King acts not by virtue of the English Regal Office or Prerogatives, in his authorizing Treasons to be daily committed against the Realm by the Statute of 1 Eliz. 2. they that give or receive any Absolution or Reconciliation to Rome by the Popes Authority, or any of his Priests which the King licenseth and authorizeth to be done continually, those are declared high Traitors to the King and the Realm, and no doubt Treasons declared by a Statute against the Realm are common nusances of the highest Nature and mischief; 'tis the trust of the Regal Office to prevent and punish them, and 'tis directly Contrary to the Kingly Office to assume power to authorize or licence such Crimes.

Tis Unquestionable that no King of England ever had power to grant Offices to persons disabled to bear them by positive and direct acts of Parliament made for that very purpose, and declared to be for the peoples security; nevertheless the King hath put most of the Offices of the Kingdom in the hands of those that are so disabled.

It is certain it never was in the power of our Kings to dispossess at their Wills any of the subjects of those interests and profits which they had for their lives; nor to Commission any to judge his Subjects finally in matters criminal or civil by their discretion without any regard to the Laws, Customs and privileges of the Realm.

These and many other power exerted by the King, which we might name to your Hs. are not the actings of an English legal Monarch; but an assumed Despotical power over the persons, the Liberties and Interests of the Subjects, as if he alone had at least the property paramount in all their persons and their Interests, which in all civil Governments belongs only to the Lawful Legislators; and as if the people of England were tenants of his meer will to what they have and had no right nor Interest in their Laws, Customs or Franchises, nor any Justice to demand the benefit of them.

Nothing can compleat his Majestys renuntiation of the Trusts and Obligation of the English Regal Office save only that he assumes (as he now doth actually) to take from the Citys and Boroughs intirely all their Customs and Priviledges and free Election of their Magistrates, confirmed to them expressly by the great Charter, and many other Laws; and that he deprives all the rest of the people of their Liberty to chuse such persons as they please according to the statutes to Consent for them to the Laws that shall bind them their Estates and lives, as he hath declared he will, and intends and is every day doing, and then the antient rightfull and Free English Government will be manifestly and intirely dissolved, and Englishmen shall have no Legal right to their Estates, their Wives and Children, or their Lives.

There will be then no legal English Monarchy in England, trusted by the Laws with high Royal prerogatives for the joyns safety and benefit of the King and the subjects, acknowledging themselves to be bound by an oath to maintain the Customs Laws and Franchises of the Realm; and to take Continual care for the Execution of the Laws impartially; for that purpose Every man shall then have equal and eternal right to every thing as this King will and his Popish forces shall dispose of it, and so long only as he shall pleafe to continue in the same mind with the same force.

Tis with bleeding hearts that in this manifest extream oppression and danger we beg your Highnesses ay to defend the rights of the Crown and the Realm.

There can be no question of your Hs. right to defend the same, the Legal Monarchy and Government by our antient Customs, Laws and Franchises, to save the antient Penal Laws against the Popes Usurpations, and the latter Laws for the Reformation of our Religion from Popery, and to preserve the special Customs, and Priviledges of the Citys and Boroughs, as well as the General customs of the Kingdom, our Customs and Laws only have vested in your Hs. the next right Expectant of the English Crown, [and if no Prince shall be born]

born, *Rege etiam remitente*,] tho the King shall do all that's possible for him to hinder you.

If you suffer them to be destroyed, or to be disused and deemed to be of no force but as the King shall please by his *Judges* and *Courts*, and by all that he shall possess of the Power of this Kingdom, Your Highnesses clayme and rights *Expectant* of the *Crown* is in like manner destroyed, and set aside; and the whole arbitrary Magistracy serving his will and all his *Popish forces, forraigners and Natives*, will be Ingaged in Interest and misguided Conscience to oppose Your Highnesses claim; by the Laws and Customs of *England* there will be indeed in the state to which the King hath brought the Kingdom no legal *Magistrates* nor *Government* in being and use unto which her Royal Highness can immediately succeed according to the Customs and Laws of *England*; the Kingdom must be a Confused multitude, and the strongest may subdue the rest to their will.

As Your Highnesses have a right to save the government by reason of your great Interest in it, so all the People have an unquestionable right to seek Your Highnesses aid therein, and tis one of their Principal dutys of the Christian Religion, and will be one of the best outward Expressions of their love to God and Jesus Christ to assist your Hs. in all your righteous ways, defending their Just Civil Government, being instituted by God for preserving Justice amongst humane societies.

The People that love their neighbours, and Countries, as Christian Religion Commands, ought not carelessly nor irreligiously to suffer their Civil Government, their Laws, and all their rights and Interest than their Countrey hold by them for themselves and posterities to be destroyed by any manswill, superstition or ambition.

He that was at first a legal *Supream Magistrate*, and ought to have been obeyed if he would have so Continued, tho he had done many injustices to particular Persons, he may cast off the quality and use of the powers of a legal *supream Magistrate*, and use and exercise power destructive to all the *legal Trusts and Office*; and then he devests himself of that *Office and Trust of a lawful Magistracy* unto which the Laws of God and the Kingdom require obedience.

The ancient Kings of *England*, acknowledged the Peoples right to save their *Free Government* if any of the Kings themselves would have dishonorably parted with the rights of the *Crown* and the *Realm*, we mention the Letter of H. I. to the *Pope*, and that great Prince Ed. I. on the like occasion of power claymed by the *Pope*, not only writ to the *Pope* to the same Effect as H. I. did, but by his consent Letters were written to *Pope Boniface* by the Lords and Commons in *Parliament*, wherein they told the *Pope*, that they were bound by oath to the observation and defence of their *Liberty, Customs and ancient Laws*, and would manaign them with all their Power and force, and that they neither did nor ever would, could or ought to suffer the King tho he would, to do, or any ways attempt what the *Pope* desired Contrary to their Customs since it would be to the destruction of the Right of the *Crown of England* and the *Kingly dignity*, and the subversion of the Statutes of the Kingdom, and prejudice of their ancient *Liberties, Customs and Laws*.

Since then your Hs. have an undoubted right to interpose between the King and us in your own and the Kingdoms behalf, to save our ancient legal Government, and in special our Laws for the reformation of our Christian Religion, we humbly offer, that besides the former demands about the supposed Prince your Hs. will please to demand and insist immovable.

*Rot Parliament
28 Ed. I. sec
Cooks institut
2. fol. 98.*

That the ancient free Government of *England* by its own *Customs and Laws* only made, or approved in *Parliament* be immediately restored in all the parts of it through the *Kingdom*, that is, that the rights of the *Crown* and freedom of the *Realm* be forthwith vindicated from all the submissions publickly made to the *Pope* by the King that now is, to the dishonor and abasement of the *English Crown*, and *realm*, and from all the claymes made by the *Romish Church* of any Powers and Jurisdictions whatsoever over the Christians, or *Church in England*.

That all the Laws now in force against the admission of the Cannons, and Jurisdiction of Rome, Contrary to our *Customs and Laws*, and against the maintainers of them be forthwith declared to be put in due Execution, and all suspensions of them, or dispensations with them without the Authority of *Parliament*, be declared null and void.

That the Ancient *Customs, Liberties and Priviledges* for the *City of London*, and the whole form and Course of its Government, be forthwith restored, the *Customs* thereof being part of the *Common Law of England*, and its Liberties be Established by the great *Charter*, and many *Acts of Parliament*, that the *Customs, free Election of their Magistrates*, and all the *Priviledges* of all the *Cities and Boroughs of England* confirmed by the greater *Charter*, and other Laws be duly restored.

That legal Officers both Civil and Military, be settled in all the Places of Magistracy, and all the Commands throughout the Kingdom.

That all Commissions whatsoever be forthwith revoked, and declared null and Void whereby are granted any powers of Dilcretion over the Persons, or Interest of the subjects Contrary to the *Laws and Customs of England*, Especially the Commission for *Ecclesiastical affairs*, with its Monstrous, *non obstante* to all our Laws.

That the freedom of Elections, which is the foundation of the Government, be duly vindicated, and all the most unworthy preengagements revoked, and renounced to Elect and Vote as the King would have them.

That the Kingdom may be restored as soon as possible to a capacity of holding a *legal Parliament*, in such form and Manner as the *Laws* require, by whose help the Civil Government may be reestablished, and force and arbitrary powers therein utterly abolished.

We crave your Highnes Pardon, that we further humbly offer to your Highnesses, that time and accident always made Changes in the usefulness of *Laws*, and that it hath so happened in our *Penal Laws* made for Uniformity in the profession of faith, and in the outward Worship of God; four of our succeding

Parliaments perceived the abuse of these Laws, and the mischief thereby to Conscious Christians, and Declared their intention of relieving them if the King would have permitted them, yet they endeavoured to stop the execution of them, and desired a settlement of liberty of Conscience as is due to Christians.

In these regards and the Subversion of the whole Government since made necessity and charity may have the force of Laws to enforce the stay of the Execution of some of those Laws for conformity until those Matters may be settled in Parliament.

We therefore humbly pray your Highnesses to procure as a case of Necessity that none be disturbed until a legal Parliament shall have resolved the case for the profession of their faith in Matters merely supernatural, or the outward expression of their Worship so as both terminate only in God, and neither wrong nor hurt any man on Earth in Body, Goods, and good name, but their own souls only if they be mistaken therein.

We now most humbly submit our selves and all herein contained to your Highnesses Wisdom, Candor and Charity, and shall pray the just and great God to fill your noble Souls with perfect love and Wisdom, and all the most resplendent vertues that are fit to Shine in the highest Thrones and power that ever the Sun beheld.

Sir. The Character we have had of your Worth, makes us confident of your Faithfulness to deliver the inclosed forthwith to His Highnes. the Prince of Orange, or in his absence to her Royal His. the Princess; we could not trust it by the Post, and therefore have sent it by an Express, which may perhaps make it longer in coming; the Messengers only order is to deliver it to one of your Servants, and we confide in your integrity, and remain

To Monsieur, Monsieur Benting,
at the Hague.

SIR, Your most humble Servants,
whom you may hereafter know.

F I N I S.